

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.736 of 2022

1. Narayan Gouda
2. Parameswar Gouda @ Appellants
Podha

Mr.S.S.Ray-2, Advocate

-versus-

1. State of Odisha
2. Rinku Sethi Respondents

Mr.Rajesh Tripathy,
Addl. Standing Counsel
Mr. B.Sahoo, Advocate (for
respondent no.2)

CORAM:
JUSTICE S.K. SAHOO

ORDER
28.09.2022

सत्यमेव जयते

Order No.

02. This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).

Heard learned counsel for the appellants and learned counsel for the State as well as learned counsel for respondent no.2.

This is an appeal under section 14-A(2) of S.C. & S.T. (PoA) Act, 1989 in connection with G.R. Case No.11 of 2022 (Spl. Act) arising out of Dharakote P.S. Case No.168 of 2022 pending in the Court of learned Addl. Sessions Judge -cum- Special Judge, Aska for offences punishable under sections 342/323/324/307/294/307/506/34 of the Indian Penal Code read

with sections 3(1)(r)(s)/3(2)(v)(va) of the S.C. & S.T. (PoA) Act.

The appellants moved an application for bail before the Court of learned Addl. Sessions Judge -cum- Special Judge, Aska, Ganjam, which was rejected on 02.08.2022.

Learned counsel for the appellants submits that the appellants are in judicial custody since 27.07.2022 and in the meantime the investigation has made substantial progress and there are four injured persons in this case, namely, Rinku @ Muna Sethi (the informant), Balaram Palei, Tuna Sethi and Krushna Gouda and all of them have sustained simple injuries and therefore, the bail application of the appellants may be favourably considered.

Learned counsel for the State while not disputing the nature of injuries sustained by the said injured persons that they have sustained simple injuries, produced the written instruction dated 20.09.2022 received from the Inspector in-charge of Dharakote police station, which indicates that the appellant no.1 Narayan Gouda has got four criminal antecedents and one of such case is under section 302 of the Indian Penal Code. The written instruction is taken on record.

Learned counsel for the appellants submits that appellant no.1 has been granted bail in the said case under section 302 of the Indian Penal Code.

Considering the submissions made by the learned counsel for the respective parties and the criminal proclivity of appellant no.1, I am not inclined grant bail to appellant no.1. Accordingly, the prayer for bail of appellant no.1 Narayan Gouda stands rejected. He is at liberty to renew his prayer for bail after

examination of the injured persons in the learned trial Court.

So far as appellant no.2 Parameswar Gouda @ Podha is concerned, in view of the period of detention of the appellant no.2 in judicial custody and the nature of injuries sustained by the injured persons, I am inclined to release the appellant no.2 on bail.

Let the appellant no.2 Parameswar Gouda @ Podha be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with further conditions as the learned Court may deem just and proper with further conditions that he shall not indulge in any criminal activities and shall appear before the learned trial Court on each date to which the case would be posted for trial.

Violation of any of the conditions shall entail cancellation of bail.

The CRLA is accordingly disposed of.

Issue urgent certified copy of this order on proper application.

(S.K. Sahoo)
Judge

PKSahoo