

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLA NO. 449 OF 2021**

***Banamber Pradhan***

.... ***Appellant***  
Mr.P.S. Nayak, Advocate

*-versus-*

***State of Odisha***

.... ***Opposite Party***  
Mr.M.K.Mohanty,ASC

**CORAM:**  
**JUSTICE S.K. PANIGRAHI**

**ORDER**  
**10.02.2022**

**Order No.**

05. 1. This matter is taken up by hybrid mode.
2. Heard learned counsel for the appellant and learned counsel for the Respondent/State.
3. The appellant has filed this appeal under Section 14A of SC & ST (PA) Act with a prayer to set aside the order dated 30.07.2021 under Annexure-2 passed by the learned Additional Special Judge, Talcher in C.T.(Spl) NDPS No.01 of 2010.
4. The brief fact of the case is that on 29.04.2009 at about 7 A.M. the appellant came to the house of the informant and threw out the articles from his house and locked its door from outside. When the informant restrained the appellant, he abused the informant aspersing his caste and assaulted him by means of a stick. As a result, the informant sustained bleeding injury on his head and lost his sense for which an F.I.R. was lodged at the P.S.. Consequently, the case was registered and investigation was taken up.

5. Learned counsel for the appellant submits that during investigation the appellant was arrested on 01.05.2009 and released on bail by the learned Additional Special Judge, Talcher with certain conditions including the condition of appearing before the learned below on each date of hearing of the case. He was regularly attending the court on each date of posting of the case. However, on 25.06.2016 the appellant could not remain present in court due to communication gap between him and his conducting counsel. Hence, the learned Additional Special Judge, Talcher issued N.B.W. on 25.06.2016 on the strength of which he was arrested on 08.03.2021. However, when he moved for bail under Section 439 Cr.P.C. but the learned Additional Special Judge, Talcher by order dated 30.07.2021 rejected the prayer for bail.

6. Being aggrieved by the order dated 30.07.2021 the appellant preferred this appeal. It is further submitted that the appellant is in custody since 08.03.2021. The appellant is a permanent resident under Bikrampur P.S. There is no chance of absconding if he is released on bail.

7. Learned counsel for the State though opposed the bail, but conceded to the submission regarding length of detention of the appellant in custody.

8. In view of aforesaid submissions and the facts and circumstances of the case and period of detention of the appellant in custody, this Court is inclined to allow the CRLA. Accordingly, while setting aside the order dated 30.07.2021

passed by the learned Additional Special Judge, Talcher the prayer for bail of the appellant stands allowed.

**9.** Hence, it is directed that the appellant be released on bail in the aforesaid case by the court in seisin over the matter on some stringent terms and conditions as deemed just and proper with further conditions that:-

- i. the appellant shall appear before the learned trial court on each date posting of the case;
- ii. he shall not threaten or coerce the informant in any manner and
- iii. he shall not tamper with the prosecution evidence in any manner.

**10.** Violation of any of the aforesaid conditions may entail cancelation of the bail granted to the appellant.

**11.** Accordingly, the CRLA is disposed of.

**12.** Issue urgent certified copy of order as per Rules.

**( S.K.Panigrahi )**  
**Judge**

LB