

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.758 of 2022

Mahadev Sahu

.... Appellant

Mr.B.B. Routray, Advocate

-versus-

State of Odisha & another Respondents

Mrs.Susamarani Sahoo

Addl. Standing Counsel

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
10.10.2022**

Order No.

02.

This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Learned counsel for the State submitted that the notice on the informant has already been served.

None appears for the informant.

Heard learned counsel for the appellant and learned counsel for the State.

This is an appeal under section 14-A of S.C. & S.T. (PoA) Act, 1989 in connection with C.T. (Special) Case No. 59 of 2022 arising out of Bargarh Sadar P.S. Case No.239 of 2022 pending in the Court of learned Sessions Judge -cum- Special Judge, Bargarh for offences punishable under sections 147, 148, 323, 307, 354, 506,

302 and 149 of the Indian Penal Code read with sections 3(1)(r)(s)/3(2)(va) of the S.C. & S.T. (PoA) Act.

The appellant moved an application for bail before the Court of learned Sessions Judge -cum- Special Judge, Bargarh which was rejected on 24.08.2022.

Learned counsel for the appellant submitted that the appellant is in judicial custody since 04.08.2022 and though initially the case was registered under section 307 of the Indian Penal Code and other offences, but subsequently it turned to one under section 302 of the Indian Penal Code and the deceased is one Kailash Meher and the injured persons are Gajanan Meher and Niranjana Meher. Learned counsel further submitted that as per the eye witnesses account, who are the injured persons in the case, the appellant came to the spot after the assault on the deceased as well as on the injured persons was over and the accusation against the appellant may at best constitute an offence under section 506 of the Indian Penal Code and the investigation has made substantial progress and therefore, the bail application may be favourably considered.

Learned counsel for the State after going through the statements of the two injured persons fairly submitted that the appellant's implication in the case may at best constitute an offence under section 506 of the Indian Penal Code.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the appellant and taking into account the period of detention in judicial custody, I am inclined to release the appellant on bail.

Let the appellant 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.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge