

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.463 of 2021

Dilu Barad

....

Appellant

Mr. A.K. Sahoo, Advocate

-versus-

State of Odisha and another

....

Respondents

Mr. Karunakar Gaya, ASC

Mr. B.S. Rayaguru, Advocate
for the informant

CORAM: JUSTICE S.K. PANIGRAHI

ORDER

10.02.2022

Order No.

06. 1. The matter is taken up through hybrid mode.
2. This is an application under Section 439 of the Cr.P.C. read with Section 14 of the S.C. and S.T. (P.A.) Act for bail.
3. Heard learned counsel for the appellant and learned counsel for the State. I have also the learned counsel for the respondent No.2.
4. The appellant is an accused in Chandpur P.S. Case No.123 of 2018 corresponding to T.R. Case No.73 of 2020 pending in the court of learned Special Judge-cum-Sessions Judge, Nayagarh for commission of offence under Sections 341, 323, 325, 307, 294, and 506/34 of the IPC read with Section 3(i)(r)(s) and 3(2)(va) of the SC and ST (PA) Act.
5. The prosecution case is that the appellant along with one Krushna Gopal Bachaspati and a few others assaulted the injured

with iron rods and steel pipes. The assault was caused on his hands and legs, leaving him fractured.

6. Learned counsel for the appellant submits that the charge-sheet has been submitted. Further, he submits that there was a previous dispute between the appellant and the victim, which was settled between them. The appellant has no criminal antecedent. He is in custody since 19.08.2021. So, the appellant may be allowed on bail.

7. Learned counsel for the State submits that injury sustained by the injured are simple in nature and the victim is stated to be stable. The learned counsel for the informant opposes to grant bail to the appellant.

8. The bail application of the present appellant has been rejected by the learned Special Judge, Nayagarh on 06.09.2021 in view of the nature of the offence.

9. Considering the facts of the case, this Court is inclined to grant bail to the appellant with some stringent conditions.

10. Let the appellant-Dilu Barad be released on bail in the aforesaid case on such terms and conditions as deemed just and proper by the court in seisin over the matter with further conditions that:-

- i. he shall appear before the trial court on each date of posting of the case till completion of trial;

ii. he shall not intimidate or coerce or create any kind of disturbance to the life of the victim or his family members.

iii. he shall not indulge in any kind of criminal activity during the bail period.

11. Violation of above conditions shall entail cancellation of bail.

12. Urgent certified copy of this order be granted as per rules.

PCD



(S.K. Panigrahi)
Judge