

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.809 of 2022

***Mutei @ Prasanta Kumar Appellant
Sahoo***

Mr. P.K. Mishra, Advocate

-versus-

State of Odisha & another Respondents

*Mr. Arupananda Das
Addl. Government Advocate*

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

**ORDER
17.10.2022**

Order No.

03.

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

Learned counsel for the State on instruction submitted that after receipt of the notice, the same was sent to the Inspector in-charge of Kamakhyanagar police station and it has been reported by the I.I.C. that the whereabouts of the informant-respondent no.2 is not known.

Heard learned counsel for the appellant, 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. 29 of 2021 arising out of Kamakhyanagar P.S. Case No.221 of 2021 pending in the Court of learned Additional Sessions Judge -cum- Special Judge, Kamakhyanagar for offences

punishable under sections 147/148/323/324/ 325/307/294/ 506/149 of the Indian Penal Code, sections 25 and 27 of the Arms Act and 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 Additional Sessions Judge -cum- Special Judge, Kamakhyanagar , which was rejected on 17.06.2022.

Learned counsel for the appellant submitted that the appellant earlier approached this Court for bail in CRLA No. 491 of 2022, which was rejected as per order dated 12.09.2022 and liberty was granted to the appellant to renew his prayer for bail after examination of the two injured in the learned trial Court. He further submitted that by that time the two injured persons had already been examined and the same was not within his knowledge for which the said fact could not be brought to the notice of this Court. He placed the statements of the two injured persons, namely, Akash Naik and Raj Kishore Nayak, who have been examined as P.W.3 and P.W.9 respectively in the learned trial Court, from which it appears that P.W.3 has not uttered the name of the appellant whereas P.W.9 has stated that when he went to save P.W.3, the appellant Mutei along with accused Madan and Lipu obstructed his way. He further submitted that the co-accused persons Madan and Lipu have already been released on bail and therefore, the bail application of the appellant may be favourably reconsidered.

Learned counsel for the State after going the evidence copies of the aforesaid two witnesses, does not dispute the same.

Considering the submissions made by the learned counsel for the respective parties, the nature of evidence adduced by the two injured persons and the fact that the appellant is in judicial custody since 18.06.2021, I am inclined to reconsider the prayer of the appellant for bail and direct release him 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 including the 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