

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLA NO.510 OF 2021

Kalu Pradhan & Another ***Petitioners***
Mr.B.K. Sharma, Advocate
-versus-
State of Odisha ***Opposite Party***
Mr. S.K. Nayak, AGA.

CORAM:
MR. JUSTICE D.DASH
ORDER
20.04.2022

Order No.
04.

1. This matter is taken up through hybrid arrangement (physical/ virtual) mode.
2. This is the successive journey of this Appellants who are in custody in connection with Tarasingi P.S. Case No.85 of 2018 corresponding to Special G.R. Case No.17 of 2018 pending in the Court of learned Additional Sessions Judge-cum-Special Judge, Bhanjanagar in filing this Appeal under Section 14(A) of the SC & ST (PA) Act read with Section-39 of the Code of Criminal Procedure.
3. Mr. Bigyan Sharma, learned Counsel for the Appellants submits that here there is no direct evidence against the Appellants to connect them with the alleged commission of offence for which they are facing the trial. He submits that the prosecution case revolves round the circumstantial evidence which as projected are very weak and those even being accepted and joined together, prima facie do not go to form a complete chain. He further submits that the Appellants have already remained in custody from 16.07.2018 and as yet trial has not been completed. It is also submitted that on the earlier occasion, the Appellant No.1 being released on interim bail has surrendered

before the Court in seisin in time and during the period, he has not misused the liberty so granted. It is submitted that the Petitioner No.1 is the father of Appellant No.2 and in view of the detention of both father and son in custody, the family members are suffering and they having been able to somehow managed till now, further management is absolutely difficult on their part. He, therefore, urges for reconsideration of prayer for grant of bail to the Appellants.

4. Learned Counsel for the State opposes the move. According to him, though the case is based on circumstantial evidence, the circumstance as collected in course of investigation and projected against the Appellants being taken together are enough for the charges made. He however does not dispute that the Appellants are in custody since 16.07.2018. It is also submitted that no such adverse report has been received against the Appellant No.1 that he has misused liberty during the period of interim bail.

5. Considering the submissions made and on going through the materials on record as also the surrounding circumstances, I am inclined to reconsider the prayer for grant bail to the Appellants. Accordingly, it is directed that the Appellants be released on bail in the aforesaid case with such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that the Appellants will appear in person before the Court in seisin of the case on each date of posting of the case till conclusion of the trial; will appear before the IIC, Tarasingi P.S. on 1st and 3rd Monday of every month in between 10 am to 2 pm till conclusion of the trial; will not threaten or terrorize the prosecution witnesses in any manner; will

not leave the jurisdiction of the Court in seisin of the case at a stretch for more than three days till conclusion of the trial.

6. The CRLA is accordingly disposed of.

Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**

Narayan

