

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLA No.881 of 2022

Chinni Trinath @ Ch. Trinath *Appellant*
Mr. S.S. Ray 2, Adv.

-versus-

State of Odisha and Anr. *Respondents*
Mr. G.R. Mohapatra, ASC
Ms. Rasmita Dash, Amicus Curiae
(for Respondent No.2)

CORAM:
DR. JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
19.12.2022

06. 1. This matter is taken up through hybrid arrangement.
2. The Appellant, in this Appeal, seeks bail under Section 439 of the Cr.P.C. read with Section 14-A of the SC and ST (PoA) Act.
3. Heard.
4. The offences alleged against the Appellant are under Sections 341/ 323/ 294/ 506/ 420/ 467/ 468/ 471/120B/34 of the I.P.C. read with Sections 25(1-B)(a)/27 of the Arms Act and Section 3(1)(f)(g)(r)(s)/ 3(2)(v)(va) of SC and S.T. Act in G.R. Case No.27/2018(A) arising out of Golanthara P.S. Case No.204 of 2018, pending in the court of the learned 2nd Additional Sessions Judge, Berhampur.

5. The case of the prosecution is that the complainant had purchased a land measuring Ac.0.30 cents from the original owner Sania Das pertaining to Plot No.2066, Khata No.934 of Monisi Mouza. It is alleged that the accused persons namely Pintu Das and his associates had forcibly snatched away the original documents from the complainant. It is further alleged that the accused persons had forced the complainant to sell those land to them and abused him in filthy language. Based on the aforesaid allegations, Golanthara P.S. Case No.204 of 2018 has been registered against the present Appellant and others.

6. Learned counsel for the Appellant submits that the Appellant is in custody since 21.05.2019. He further submits that the prayer for bail of the Appellant was earlier rejected twice by this Court vide orders dated 08.09.2021 passed in CRLA No.258 of 2020 and dated 06.07.2022 passed in CRLA No.320 of 2022. However, this Court while rejecting the prayer for bail of the Appellant vide order dated 08.09.2021 passed in CRLA No.258 of 2020 has categorically directed the trial court to complete the trial within a period of one year and in spite of such directions, the trial did not progress substantially and is still pending. It is further submitted that the Appellant had filed a bail application before the learned 2nd

Additional Sessions Judge, Berhampur and his bail application was rejected by the learned 2nd Additional Sessions Judge, Berhampur solely on the ground that the Appellant did not surrender in time. It is also submitted that the Appellant did not surrender in time due to his illness. He also submits that the co-accused Siba Shankar Dash @ Siva @ Pintu has been released on bail vide common order dated 11.08.2022 passed in CRLA Nos.572, 709, 710, 711 and 712 of 2021.

7. Learned Additional Standing Counsel for the State, on the other hand, submits that prayer for bail of the Appellant has been rejected twice earlier as stated supra and without any change in circumstances, the present appeal for grant of bail is not maintainable. He further submits that while the Appellant was on interim bail has misused his liberty. He further submits that the present Appellant is one of the right hands of accused Pintu Das and they were grabbing the land of scheduled caste people. Therefore, he submits that the prayer for bail of the Appellant may be rejected.

8. Learned Amicus Curiae appearing for the Respondent No.2 objects the prayer for bail of the Appellant supporting the submissions of the learned Additional Standing Counsel for the State. She further submits that

delay in completion of trial is not due to laches on the part of the informant or the prosecution. Therefore, no benefit can be given to the Appellant in that aspect.

9. Considering the submissions made, facts and circumstances of the case and the period of detention and the fact that the co-accused, who is similarly placed with the Appellant, has already been granted bail by this Court, this Court is of the view that the Appellant deserves to be released on bail. Accordingly, the prayer for bail of the Appellant stands allowed.

10. Accordingly, 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 furnish two sureties for Rs.50,000/- each, out of which one shall be his relative;
- ii. the Appellant shall appear before the learned trial court on each date of posting of the case;
- iii. the Appellant shall not indulge in similar activities in future;
- iv. the Appellant shall not tamper the evidence of the prosecution witnesses in any manner;
- v. The Appellant shall not create any untoward situation in public and

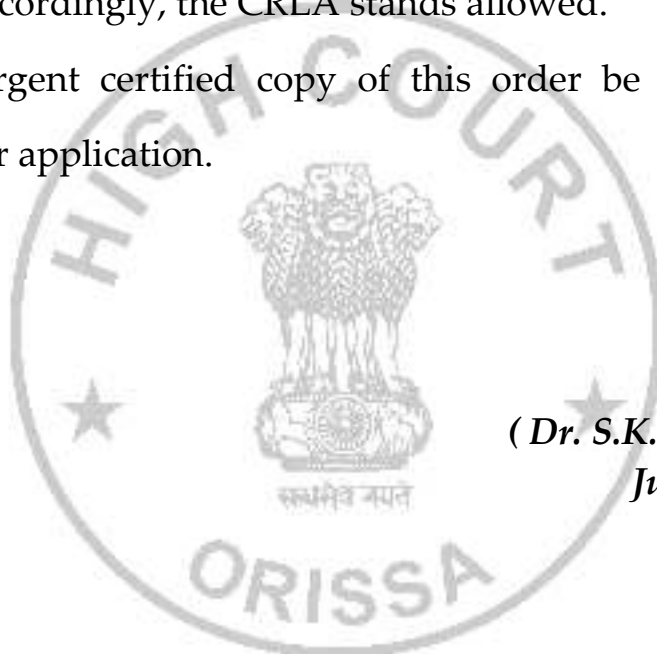
- shall not be involved in any political activities directly or indirectly;
- vi. the Appellant shall report before the local Police Station on every alternate Sunday in between 10.30 A.M. to 12.00 Noon till completion of the trial.

Violation of any of the conditions shall entail cancellation of the bail.

11. Accordingly, the CRLA stands allowed.

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

B.Jhankar



(Dr. S.K. Panigrahi)
Judge