

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No. 904 of 2022

***Sk. Kalu @ Sk. Saffidul @ Sk.
Saffibul***

....

Appellant

*Mr. Amulya Ratna Panda,
Advocate*

-Versus -

State of Odisha and another

....

Respondents

*Mr. R. Tripathy,
Additional Standing Counsel
Mr. D. Sahoo, Advocate
(for respondent no.2)*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

25.11.2022

Order No.

4.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the appellant and learned counsel for the State.
3. The appellant is in custody since 31.10.2021 in connection with Sahadevkhunta P.S. Case No. 364 of 2021 corresponding to Special Case No.35 of 2022 pending in the court of learned Presiding Officer, Special Court (SC&ST), Balasore for the alleged commission of offence under Sections 302/120(B)/34 of IPC and Section 3(2)(v) of the SC & ST (PoA) Act.
4. It is alleged that the appellant along with several other persons committed the murder of one Rabi Singh by assaulting him with knife. It is submitted that the eyewitness has not named the present appellant and that several other persons were named as the assailants.

It is further submitted that two co-accused persons, namely, Sk. Sekhabat and Sk. Amir Hussain have been released on bail as per orders passed by this Court in CRLA Nos. 314 and 387 of 2022. It is further submitted that the appellant stands on the same footing as the said co-accused persons.

5. Learned counsel appearing for the informant has opposed the prayer for bail by submitting that the appellant has criminal antecedent.

6. Learned Stand Counsel has also opposed the prayer for bail on similar ground.

7. Considering the rival submissions and the materials on record, the period of detention in custody and the fact that similarly placed co-accused persons have already been released on bail, I find no reason to keep the appellant in custody any longer. The criminal appeal is therefore allowed. Let the appellant be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the following conditions:-

(i) He shall not threaten, coerce or pressurize the informant and the prosecution witnesses in any manner whatsoever.

(ii) He shall appear before the IIC of Sahadevkhunta police station on every Sunday at 10.00 A.M. till conclusion of trial.

(iii) He shall also appear before the court in seisin over the matter personally each date of posting of the case failing which the said Court shall issue NBW against him.

4. The CRLA is accordingly disposed of.

B.C. Tudu

(Sashikanta Mishra)
Judge