

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No. 912 of 2022

Samir Kumar Rout @ Raju **Appellant**

Mr. S.K. Nayak, Advocate

-Versus -

State of Odisha & Anr. **Respondents**

Mr. P. Tripathy, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

22.11.2022

Order No.

2.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the appellant and learned Addl. Standing Counsel for the State.
3. Learned State Counsel informs that the notice on the informant has been served on 02.11.2022, but there is no appearance. The Criminal Appeal is therefore, taken up for hearing.
4. The appellant is in custody since 11.10.2022 in connection with Jajpur Sadar P.S. Case No.261 of 2020 corresponding to C.T. Special Case No.134 of 2020 pending in the Court of learned Sessions Judge, Jajpur for the alleged commission of offence under Sections 302 and 34 of IPC and Section 3(2)(v) of SC & ST (P.O.A.) Act.
5. It is alleged that the appellant along with several persons brutally assaulted the deceased causing his death. It is submitted that the eye-witnesses have not named the appellant as being the assailant rather they have named the other persons, some of whom have been granted bail by this Court. Learned counsel for the appellant has referred to the order passed by this Court in CRLA No.151 of 2022 in respect of the co-accused person and submits, the appellant stands on a better footing inasmuch as no specific

overt act has been attributed to him save and except the allegation that he was present at the spot during the assault.

6. Considering the above facts, I am inclined to allow the prayer for bail. 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 condition that he shall personally appear before the trial Court on each date of posting of the case without fail.

7. CRLA is accordingly disposed of.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

