

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.595 of 2021

Ajit Kumar Lenka @ Papu Lenka ***Appellant***
Mr. Jyotirmaya Sahoo, Advocate

-versus-

State of Odisha and another ***Respondents***
Mr. M.K. Mohanty, ASC for State-Respondent No.1
Mr. S.K. Dash, Advocate for Respondent No.2

CORAM:
JUSTICE A.K. MOHAPATRA

ORDER
08.03.2022

Order No.

04. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Appellant, learned counsel for the State-Respondent No.1 and the learned counsel for the Informant-Respondent No.2. Perused the Case Diary, F.I.R. and statement of the witness recorded under Section 161 Cr.P.C.
3. This appeal has been filed by the Appellant challenging the order dated 05.10.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Berhampur in G.R. Case No.11 of 2021 (SC & ST (PAO) Act), arising out of Berhampur Sadar P.S. Case No.57 of 2021, for commission of alleged offences under Sections 341/427/294/302/307/326/34 of I.P.C. r/w. Section 3(2)(v) of S.C. and S.T. (Prevention of Atrocities) Act, 1989, rejecting the bail application filed by the Appellant.

4. It is submitted by learned counsel for the Appellant that he is in jail custody since the date of his arrest, i.e. 27.03.2021. The further submission is that police after completion of investigation has submitted charge-sheet against the Appellant in the case. Appellant claims that he has not been named in the FIR and there is neither any specific allegation against the Appellant nor any overt act has been committed. However, it is submitted that in the event Appellant is released on bail, he shall abide by the terms and conditions as fixed by this Court as well as the trial court.

5. Learned counsel for the Informant submits that even though he has been named by the witnesses in the 161 statement, but he fairly concedes that Appellant has not assaulted the injured person. Accordingly, he submits that the Appellant may be leased on bail but stringent conditions may be imposed on him.

6. Learned counsel for the State also opposes the bail of the Appellant. He also reiterates the fact that stringent conditions may be imposed on the Appellant, in the event of for release on bail.

7. Having heard learned counsel for the parties, considering the nature and gravity of offences alleged, the period of detention of the Appellant and the statement of the witness u/s.161 Cr.P.C., this Court is inclined to release the Appellant on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with two local sureties for the like amount to the satisfaction of the learned court in seisin of the matter subject to the following conditions :

- (i) He shall not involve himself in any similar nature of offence;
- (ii) He shall appear before the trial court on each and every date as fixed by the court;

(iii) He shall appear before the I.O. of the concerned Police station twice in two months, i.e. on Wednesday and Sunday at 10.00 A.M. to 1.00 P.M. and thereafter once in every month on Wednesday at 10.00 A.M. to 1.00 P.M. till completion of trial;

(iv) He shall not leave the jurisdiction of the concerned court without special permission;

(v) He shall not tamper with the prosecution evidence;

(vi) He shall not influence or threaten any prosecution evidence and cooperate in the investigation;

(vii) He shall provide the present address and mobile number to the local police station, in the event of any change in the address or mobile number, the same shall also be intimated to the local police;

(viii) Violation of any of the above conditions shall entail cancellation of the bail; and

(ix) The trial court may impose any other condition(s), as deem fit and proper.

8. With the above direction, the CRLA is accordingly allowed.

9. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge