

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLA No.626 of 2021**

***Rabi Narayan Sahu @ Leth Rabi*** .... ***Appellant***  
*Mr.Jyotirmaya Sahoo, Advocate*

*-versus-*

***State of Odisha and another*** .... ***Respondents***  
*Mr.K.K. Nayak, ASC for State-Respondent No.1*

**CORAM:**  
**JUSTICE A.K.MOHAPATRA**

**ORDER**  
**05.04.2022**

**Order No.**

04. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Appellant and learned counsel for the State-Respondent No.1. 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 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, Berhampur in G.R. 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. It is further submitted that one of the co-accused person has already been released on bail by this Hon'ble Court vide order dated 08.03.2022 passed in CRLA No.595 of 2021.

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

6. Having heard learned counsel for the parties, considering the nature and gravity of offences alleged, the period of detention of the Appellant, 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 or the informant in any manner whatsoever 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.

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

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

**(A.K. Mohapatra)**  
**Judge**