

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14609 of 2022

Tapan Samantray & others ***Petitioners***
Mr. S.K Bhanjadeo, Advocate

-versus-

State of Odisha & another ***Opp. Parties***
Mr. M.K Mohanty, ASC

CORAM:
JUSTICE CHITTARANJAN DASH

ORDER
29.11.2022

Order No.

01. 1. Heard learned counsel for the Petitioners and learned counsel for the State.
2. This is an application for bail U/s.438 Cr.P.C. filed by the Petitioners in apprehension of arrest for his alleged involvement in the offences U/s. 341/365/294/379/506/34 of IPC & Section-3(1)(r),3(1)(s), SC and ST Act.
3. It is submitted by the learned counsel for the Petitioner that the FIR does not disclose an element of aspersion by caste allegedly to have been hurled at the Informant except the sentence “as being a domb by caste belong to SC and taking disadvantage of his caste the vendors are playing with his rights and harassing him”. In the said sentence there appears no prima facie material to implicate the present Petitioner in the offence U/s. 3(1)(r) SC/ST (PA) Act.

Consequently, there remains the other offences U/s. 341/365/294/379/506/34 of IPC.

4. Keeping in view the submission of the parties, the nature of allegations as emerged from the materials on record, the circumstances appearing, the seriousness and gravity of the offences, it is directed that in the event the Petitioners surrender and move for bail in connection Khurda P.S. Case No.536 of 2022 pending in the court of learned Additional District and Sessions Judge-Cum-Special Judge (SC & ST), Khurda within a period of three weeks' hence and moves for bail, they shall be released on such terms and conditions as would be deemed just and proper by the said court with further conditions that they shall appear in person before the court below on each date of posting of the case unless specifically exempted by the court concerned.

5. It is made clear that the learned Court below shall verify the criminal antecedent of the Petitioners, if necessary by admitting the Petitioners to bail provisionally till the information is received and in case more than one antecedent is noticed, the order of this Court shall not be given effect to and the court shall be free to deal with matter of bail according to its merit without further reference to the present.

6. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge