

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.643 of 2021

Nihar @ Biren Sahu and others *Appellants*
Mr. D. Panda, Advocate

-versus-

State of Odisha and another *Respondents*

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

05.07.2022

Order No.

04.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is an appeal under Section 14-A(1) of Schedule Caste and Scheduled Tribe Act.
3. The present appeal is directed against the order dated 05.10.2021 passed by the learned Additional Sessions Judge-cum-Special Judge, Padampur in Special G.R. Case No.66 of 2021 arising out of Gaisilat P.S. Case No.148 of 2021 for alleged commission of offence under Sections 147/149/294/395/435/436/452, I.P.C. read with Section 3(1)(r)/3(1)(s)/3(2)(v)/3(2)(va) of the S.C. and S.T. (PA) Act.
4. Heard learned counsel for the Appellant as well as learned Additional Standing Counsel for the State-Respondent.
5. It is alleged that on 11.08.2021 at evening 6.00 P.M. whole her husband was not at home the appellants along with others

forcibly entered inside her house, abused her husband and her family members in filthy languages and threatened to kill them. They started damaging all household articles and then set the house on fire due to which all their clothes, papers motorcycle and they had also taken away cash of rupees one lakh and gold ornaments. Hence, this case.

6. It is submitted by learned counsel for the appellants that there case and counter case between the parties and the appellants are in custody since 14.08.2021. In the meantime, investigation has been concluded and charge-sheet has been submitted.

7. Further, learned counsel for the appellants submits that the alleged occurrence took place between the parties that a minor daughter of the appellants eloped with the son of the informant and thereafter the present case arose between the parties. Further, learned counsel for the appellants submits that there is no scope for absconding or fleeing away from the hands of the justice, as the appellants are permanent residents of the locality.

8. Learned counsel for the State-Respondent, on the other hand, submits that the allegations made against the appellants are serious in nature. He further submits that considering the gravity of offence, the prayer for bail at the behest of the appellants may be rejected.

9. Having heard learned counsels for the parties and considering the nature of accusation, seriousness and the gravity of offence as well as custodial detention of the appellants, I am inclined to release the appellants on bail. Accordingly, the impugned order dated 05.10.2021 passed in Special G.R. Case No.66 of 2021 is hereby set aside.

10. Let the appellants be released on bail in the aforesaid case

subject to furnishing a bail bond of Rs.50,000/-(rupees fifty thousand) with two solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the subject to conditions that :-

- I. The appellants shall not be involved in any offence of similar nature;
- II. they shall not tamper with the prosecution evidence or make any attempt to threaten or influence the witnesses especially the family members in any manner whatsoever;
- III. he shall not make any default in attending the court during trial on each date;

Violation of any of the terms and conditions shall entail cancellation of bail.

11. It is open for the court in seisin over the matter to impose other conditions may deem just and proper.

12. With the aforesaid observation, the Appeal is allowed without any cost.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge