

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.636 of 2020

Bidesi Pradhan

.... ***Appellant***
Mr.S.K.Panigrahi, *Advocate*

-versus-

State of Odisha & another

.... ***Respondents***
Mr.P.C.Das, A.S.C.
Mr.G.N.Parida, Advocate for R-2

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

23.02.2022

Order No.

- 05.
1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
 2. Heard learned counsel for the appellant and the learned counsel appearing for the State.
 3. This appeal has been directed against the order dated 16.12.2020 passed by the learned Additional Sessions Judge-cum-Special Judge, Aska in G.R.Case No.21 of 2020 (Special Act), which arises out of Sheragada P.S.Case No.148 of 2020 for alleged commission of offences under Sections 405,376 of the Indian Penal Code read with Section 3(2)(v)(va) of the S.C. & S.T.(Prevention of Atrocities) Act.
 4. Learned counsel for the appellant submits that the appellant is in custody since 28.11.2020. After completion of investigation, charge sheet has been filed. Further, the trial has commenced and the victim has been examined as P.W.1. The victim has turned hostile in the trial. In such view of the matter, learned counsel for the appellant

prays for release of the appellant on bail.

5. Learned counsel appearing for the State on the other hand opposes the prayer for bail and submits that the victim has turned hostile, but the other witnesses are there and trial will continue. In the event the appellant is released on bail, then the trial may not be completed within a short time. Accordingly, he opposes for grant of bail to the appellant.

6. Having heard learned counsel for the parties and keeping in view the period of detention of the appellant in custody as well as the peculiar facts and circumstances of the case and the evidence of the victim during trial, I am inclined to grant bail to the appellant and it is directed that let the appellant be released on bail in the aforesaid case on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter. It is open to the Court in seisin of the matter to impose any other condition(s) as would be deemed fit and proper in the facts and circumstances of the case to ensure attendance of the appellant during trial in the Court.

7. The order dated 16.12.2020 passed by the learned Additional Sessions Judge-cum-Special Judge, Aska in G.R.Case No.21 of 2020 (Special Act) is set aside.

8. With the aforesaid observation the CRLA is disposed of.

9. Issue urgent certified copy of this order as per Rules.