

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.1044 of 2022

Tapas Kumar Nayak & others

Petitioners

Mr. P. Dash, Advocate

-versus-

State of Odisha & another

Opposite Parties

Mr. A. Pradhan, ASC

Mr. B. Baug, Advocate

CORAM: JUSTICE V. NARASINGH

ORDER
20.12.2022

Order No.

04.

1. Heard learned counsel for the Petitioners and learned counsel for the Opposite Parties.

2. The Petitioner are accused in connection with C.T. Case No.330 of 2022, pending in the Court of the learned Sessions Judge, Khurda at Bhubaneswar, arising out of Infocity P.S. Case No.306 of 2022, for alleged commission of offences under Sections 341/294/323/307/427/506/34 of IPC read with Section 3(1)(r)(s)/2(v)(a) of SC & ST (PoA) Act.

3. It is stated that the Petitioners are custody since 02.11.2022 and since investigation has progressed substantially and as the injured have been discharged from hospital, further continuance of the Petitioners in custody is unwarranted and in fact punitive.

4. It is the further submission of the learned counsel for the Petitioners that the incident happened on the spur of the moment

without any premeditation and there has been case and counter case.

5. Learned counsel for the Informant and the learned counsel for the State oppose the prayer for bail referring to the injury reports.

6. Learned counsel for the Informant submits that ex facie the injury reports have been manipulated because of the clout of the Petitioners and in fact the injuries are grievous in nature being on the vital part of the body. Hence, merely because the injured have been discharged, the Petitioners ought not to be released on bail during the currency of investigation more so when the accusation is, inter alia, under the Special Act.

7. Learned counsel for the State supplements the submission of the learned counsel for the Informant and brings to the notice of the Court that on the very day of the occurrence, some of the accused persons assaulted DCO in the police station for which Infocity P.S. Case No.308 of 2022 has been registered.

7A. Hence, keeping in view the criminal proclivity, the Petitioners ought not to be released on bail.

8. This Court perused the statements of the injured Ganeshwar Mallik, Ram Chandra Patra and Dhobei Prasad Nayak.

9. Taking into account the said statements, the injury report and keeping in view the period of custody, this Court directs the Petitioners to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

10. To allay the legitimate concern expressed by the learned counsel for the State and the learned counsel for the Informant and to instill a sense of confidence in the injured, this Court further directs that the Petitioners shall appear before the Investigating

Officer once a week on such date and time to be fixed by the learned Court in seisin over the matter till submission of final form and shall not in any way try to intimidate the injured or their families.

11. Learned counsel for the Informant submits that motion is pending before the learned Court in seisin for referral of the injured to a medical Board and for relief(s) in terms of SC & ST (PoA) Act. It is needless to say that the same shall be disposed of on its own merits.

12. Accordingly, the CRLA stands disposed of.

13. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

PKS

