

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.661 of 2021

Tuan @ Baswabhusan Sahoo

.... ***Appellant***
Mr.B.P.Mohanty,*Advocate*

-versus-

State of Odisha & another

.... ***Respondents***
Mr.K.K.Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

22.03.2022

Order No.

2. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the appellant as well as the learned Additional Standing Counsel.
3. The appeal is directed against the order dated 10.11.2021 passed by the learned Judge, Special Court, Dhenkanal in C.T.Special Case No.18 of 2019 arising out of Dhenkanal Sadar P.S.Case No.288 of 2012 in rejecting the prayer for bail of the appellant.
4. The Prosecution case as per the F.I.R. lodged by one Santi Naik that on 13.07.2012 at about 6 A.M. one co-accused namely Sachi Sahoo called her husband Suresh to agriculture field of Sri Pati Sahoo to cultivate his land. Accordingly the husband of the informant went to cultivate the land with other co-accused namely Chaha Baral, Satura Parida, Sachi Sahoo along with the present appellant. It is further alleged that at about 2 P.M. the co-accused Sachi Sahoo

informed her to bring water for unusual situation of her husband. Thereafter the informant came to know from co-accused Chaha Baral regarding death of her husband at the paddy field. On this the informant with her brother-in-law went to the paddy field and found her husband was lying dead with injuries on different parts of the body such as near belly, shoulder, neck etc. Suspecting that co-accused persons along with the appellant committed under of her husband she lodged the present F.I.R.

6. Learned counsel for the appellant submits that the appellant is in custody since 04.09.2021 and that the investigation of the case is over and the Police filed charge sheet in the meantime. Further, it is submitted by the learned counsel for the appellant that co-accused has been released on bail and the appellant stands on a similar footing like that of the co-accused. Further, it is submitted that since the appellant belongs to the locality there is so chance of his absconding and in the event of his release he will cooperate with the trial.

7. Learned Additional Standing Counsel on the other hand opposes the prayer for bail of the appellant. It is further submitted by the learned State Counsel, that the nature of allegation is serious in nature. Therefore, no leniency should be shown to the appellant. Accordingly, he urges rejection of the prayer for bail of the appellant.

8. Having heard learned counsel for the parties, considering the surrounding facts and circumstances of the case and the fact that one of the co-accused has been released on bail as well as the custodial detention of the appellant, this Court is inclined to release the appellant on bail on furnishing a bail bond of Rs.30,000/- (Thirty thousand) with two local solvent sureties each 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 tamper with the prosecution evidence.
 - ii) He shall not make any attempt to approach or influence the informant.
 - iii) He shall not threaten or terrorise the witnesses in any manner whatsoever.
 - iv) He shall appear before the concerned Police Station once in a fortnight preferably on Sunday between 10 A.M. to 1 P.M. till completion of trial.
 - v) Violation of any of the above conditions shall entail cancellation of the bail
9. With the aforesaid direction the impugned order is set aside. The appeal is accordingly allowed.
10. Issue urgent certified copy of this order as per Rules.

RKS

