

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.682 of 2021

Naba @ Naba Kishore Dey ***Appellant***
Mr. P.S. Nayak, Advocate
State of Odisha ***Respondent***
Mr. M.K. Mohanty, A.S.C.
Mr. S. Nayak, Advocate for the
Respondent No.2

-versus-

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
10.05.2022

Order No.

- 07.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an appeal under Section 14-A of Schedule Caste and Scheduled Tribe Act.
 3. The present appeal is directed against the order dated 15.11.2021 passed by the learned Presiding Officer, Special Court (SC & ST), Balasore in Special Case No.313 of 2016 arising out of Balasore Town P.S. Case No.125 of 2013 for alleged commission of offence under Sections 341/294/323/326/307/34, I.P.C. read with Section 3(1)(r)(s)/ 3(2)(va) of the S.C. and S.T. (PoA) Act.
 4. Heard learned counsel for the Appellant as well as learned Additional Standing Counsel for the State-Respondent.
 5. The case of the prosecution allegation as per the FIR is that on 24.04.2013 at about 7.00 – 7.30 P.M., while the son of the informant, namely, Dambarudhar Das was standing near the Mahadev Temple at Suhat Chhak, the present appellant along with other co-accused persons, namely, Pradeep Dandpat, Sanu @ Sandeep Dey, Khaga @ Khageswar

Das and others being armed with deadly weapons came there in three motorcycles and abused the informant's son in filthy languages with aspersions relating to caste. When the informant's son protested to it, the present petitioner attempted to deal a sword blow to the informant's but unfortunately struck on the ground. Thereafter, another co-accused, namely Pradeep Dandpat stabbed in the stomach of the informant's son which resulted in bleeding injury. Another accused, namely, Khageswar Das dealt a blow by means of a cycle chain. The informant's son was shifted to the hospital in a critical condition.

6. It is submitted by learned counsel for the Appellant that the Appellant is in custody since 06.11.2021. In the meantime, investigation has been concluded and charge-sheet has been submitted. He further submits that the appellant has been falsely implicated in the case and other co-accused persons have assaulted the son of the informant.

7. Further, learned counsel for the appellant submits that the appellant was not participated in the alleged crime and the appellant has been falsely implicated in the present case. He further 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 allegation made against the Appellant is serious in nature. He further submits that considering the gravity of offence, the prayer for bail at the behest of the appellant may be rejected.

10. 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 Appellant, I am inclined to release the Appellant on bail. Accordingly, the impugned order dated 15.11.2021 passed in CRLA No.682 of 2022 is hereby set aside.

13. Let the Appellant be released on bail in the aforesaid case subject

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

- I. The Petitioner shall not be involved in any offence of similar nature;
- II. he 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;
- IV. he shall appear before the concerned Police Station once in a week preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. for a period of one month, after one month, he shall appear twice in a week for a period of month within the aforesaid time and he shall appear, once in a fortnight in the aforesaid time till conclusion of trial.

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

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

14. 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