

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLA No.707 of 2021**

***Antara Bhue***

....

***Appellant***

*Mr. B.K. Ragada, Advocate*

***-versus-***

***State of Odisha and another***

....

***Respondents***

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

**CORAM:**

**JUSTICE A.K. MOHAPATRA**

**ORDER**  
**29.03.2022**

**Order No.**

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is an application under Section 14(A) of the S.C. and S.T. (PoA) Act.
3. Heard learned counsel for the Appellant and leaned counsel for the State-Respondent.
4. The present appeal is directed against the order dated 24.11.2021 passed by the learned Additional Sessions Judge, Padampur in Special G.R. Case No.77 of 2021 arising out of Padampur P.S. Case No.199of 2021, which was registered for commission of alleged offence under Sections 302/307/294/506/34, I.P.C. read with Section 3(1)(r)(s)/3(2)(v)(va) of the S.C. and S.T. (PA) Act.
5. Perused the case record, F.I.R., statement of the witnesses, as

well as other relevant materials.

6. The informant Kantilal Luhar presented a written report on 10.09.2021 before I.I.C., Padampur Police Station alleging that Sunil Mahakur, who is the friend of the other accused persons was driving his motor cycle at high speed in front of the PADA of the informant. The informant protested the act of Sunil Mahakur and being annoyed. Sunil started abusing the informant in obscene words. He afterwards came to the house of the informant with his family members and abused the informant and threatened to kill him. On 12.09.2021 at about 1.30 P.M., the informant was sitting the village Chhak. The accused persons along with the present accused petitioner came to him and started abusing in obscene words aspiring the name of his caste and also asked that "he was saying on that when Sunil was driving motor cycle at high speed." Out of fear, the informant ran to his house but the accused petitioner along with other accused persons came to the house of the informant being armed with lathi, thenga etc. All the accused persons were armed with separate weapons. Hearing hullath, the nearby persons, namely, Mahipal Kumbhar, Surendra Deep, Sarbeswar Hansha and Nepal Hansha came to the spot and tried to snatched the weapons from the accused persons. But accused Dhanpati Nag suddenly threatened and stabbed the left chest of Kandarapa Nag. When Hiralal Nag tried to save Kandarapa, accused Dhanapati also attacked him with the same knife due to which Hiralal sustained injury on his front shoulder joint. All the accused persons were repeatedly aspiring the informant's caste and abusing, threatening the informant and his family members. When the PADA people tried to chase the accused persons, they fled away after throwing the knife. Injured Kandarapa

was taken to Hospital for treatment but the doctor declared him dead.

7. Learned counsel for the Appellant submits that the petitioner is in custody since 13.09.2021 and he further submits that investigation is concluded and charge-sheet has been submitted by the police.

8. Further, learned counsel for the petitioner submits that the present appellant accompanied the principal accused-Dhanpati Nag along with another person to the house of the deceased prior to the present allegation and another incident had happened for cause of one Sunil was riding the motorcycle at high speed, which was opposed by the deceased and. Thereafter, the appellant along with principal accused and Sunil went to the house of the deceased where the principal accused-Dhanapati Nag assaulted the deceased by a knife, which was kept under his Lungi and gave a blow on the left chest of the deceased as a result of which the deceased died. He further submits that the principal accused had dealt single blow on the deceased and that the present appellant had no knowledge about the knife but he had only accompanied the principal accused. He also submits that there is no scope for absconding or fleeing away from the hands of the justice, as the petitioner is permanent resident of the locality. In the event the petitioner shall be released on bail, he shall cooperate with the trial court on each date fixed.

9. Learned counsel for the State opposed the prayer for bail of the appellant on the ground that all the three accused persons went to the house of the deceased although the principal accused dealt with a bhujali blow on the chest of the deceased as a result of which he succumbed to injury. However, according to law shall bind the

present appellant and he was present at the spot and accompanied with the principal accused. On such ground, learned counsel for the state opposed the bail of the appellant.

10. Considering the aforesaid facts and the nature of allegations made by the informant as well as period of detention of the accused/Appellant, this Court is inclined to allow this appeal by setting aside the rejection order dated 24.11.2021 passed by the learned Additional Sessions Judge, Padampur in Special G.R. Case No.77 of 2021.

11. Hence, let the Appellant be released on bail by furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following conditions that:-

- I. The Appellant shall not tamper with the prosecution evidence or shall not try to threaten or influence the witnesses, victim and her family members in any manner whatsoever while on bail;
- II. He shall not make any default in attending the court during trial on each date;

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

12. It is made clear that any observation made herein is confined to this bail order only. The court below is directed to proceed with the trial without being influenced by the observation made in this

order or any other factor.

13. With the aforesaid observation, the CRLA is disposed of.

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

**( A.K. Mohapatra )**  
**Judge**

Jagabandhu

