

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.742 of 2021

Sanjaya Gouda

.... Appellant

Mr.S.S. Ray(2), Advocate

-versus-

State of Odisha & another Respondents

*Mrs.Susamarani Sahoo,
Addl. Standing Counsel*

CORAM:

JUSTICE S.K. SAHOO

ORDER

10.08.2022

Order No.

06.

This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).

Learned counsel for the State submitted that notice on the informant is sufficient.

None appears on behalf of the informant.

Heard learned counsel for the appellant and learned counsel for the State.

This is an appeal under section 14-A(2) of S.C. & S.T. (PoA) Act, 1989 in connection with G.R. Case No.19 of 2021 (Special Act) arising out of Sheragada P.S. Case No.142 of 2021 pending in the Court of learned Addl. Sessions Judge, Aska, Ganjam for offences punishable under section 376(2)(n) of the Indian Penal Code read with sections 3(2)(v) of the S.C. & S.T. (PoA) Act.

The appellant moved an application for bail before the Court of learned Addl. Sessions Judge, Aska, which was rejected on 29.11.2021.

Learned counsel for the appellant submitted that the appellant is in judicial custody since 05.08.2021 and he has been charge sheeted under section 376(2)(n) of the Indian Penal Code read with section 3(2)(v) of the S.C. & S.T. (PoA) Act. It is further submitted that the victim has been examined in the learned trial Court as P.W.1 and she has not supported the prosecution case and has been declared hostile. Learned counsel for the appellant files the deposition copy of the victim. Learned counsel further submitted that in view of such statement of the victim and taking into account the period of detention of the appellant in judicial custody, the bail application of the appellant may be favourably considered.

Learned counsel for the State after going through the evidence of the victim does not dispute the same.

Considering the submissions made by the learned counsel for the respective parties, the nature of evidence adduced by the victim in the learned trial Court, who was examined as P.W.1 and the period of detention of the appellant in judicial custody, I am inclined to release the appellant on bail.

Let the appellant be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties

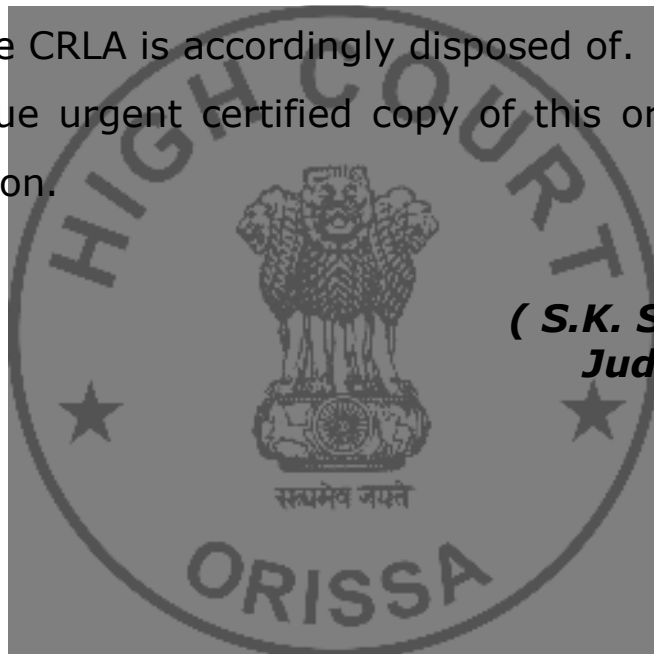
each for the like amount to the satisfaction of the learned Court in seisin over the matter with further conditions as the learned Court may deem just and proper with further conditions that he shall not try to keep any contact with the victim or the prosecution witnesses, shall not indulge in any criminal activities and shall appear before the learned trial Court on each date to which the case would be posted for trial.

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

The CRLA is accordingly disposed of.

Issue urgent certified copy of this order on proper application.

(S.K. Sahoo)
Judge



PKSahoo