IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.1229 of 2024

Sarat Chandra Barik .... ***Petitioner***
Mr. A. Mishra, Advocate

-versus-

State of Odisha .... ***Opposite Party***
Mr. T.K. Acharya, A.S.C.

CORAM:
HON'BLE JUSTICE ANANDA CHANDRA BEHERA

ORDER

Order No. **20.12.2024**

03. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. This is an appeal under Section 14-A of the SC & ST(PoA) Act, 1989, which has been preferred by the appellant against an order of rejection of his bail passed on dated 29.11.2024 by the learned Judge, Special Court-cum-Sessions Judge, Kendrapatra in T.R. No.195 of 2024 arising out of Pattamundai P.S. Case No.334 of 2024.

4. It is the case of prosecution that on dated 16.11.2024 morning, while the informant was proceeding for plucking flowers, the appellant tried to intercept her movements by covering the road along with his family members, i.e., his co-accused persons, namely, Indumati Barik, Pinkuli @ Smruti Ranjan Barik and Kanha@ Soumya Ranjan Barik and abused the informant in filthy languages touching her caste, as the appellant belong to General Caste Community, the informant belong to

Scheduled Caste community and when seeing the same, the father-in-law of the informant came for protesting the same, the appellant and his family members, assaulted her (informant), her father-in-law and also squeezed her breast.

Thereafter, the informant/victim lodged F.I.R.

Basing upon such F.I.R., case was registered vide Pattamundai P.S. Case No.334 of 2024 and investigation was started.

5. During the investigation, the appellant was arrested and was forwarded to the court after being booked with the offences under Sections 126(2)/296/115(2)/118(1)/74/76/109/303(2)/3(5) of BNS, 2023 read with Sections3(1)(r)/3(1)(s)/3(2)(va) of the SC & ST (PoA) Act, 1989 and since then, he (appellant) is in custody.

6. Heard from the learned counsel for the appellant, learned Additional Standing Counsel for the State and the victim/informant.

7. During the course of hearing of the appeal, learned counsel for the appellant submitted for liberal consideration of his bail in this appeal contending that, three co-accused persons of the appellant, i.e., Indumati Barik, Pinkuli @ Smruti Ranjan Barik and Kanha@ Soumya Ranjan Barik, those were named in the F.I.R. like the informant have already been allowed to go on bail as per the direction of this Hon'ble Courts vide order dated 06.12.2024 passed in ABLAPL No.13751 of 2024 and there is

no external injury on the person of the informant/victim and none of the victim has sustained any grievous injury. That apart, there is a counter case against the informant's group on the baiss of F.I.R. lodged on behalf of the appellant's family member for the self-same incident.

8. When the above named three co-accused persons of the appellant, namely, Indumati Barik, Pinkuli @ Smruti Ranjan Barik and Kanha@ Soumya Ranjan Barik have already been allowed to go on bail as per the direction of the Hon'ble Courts passed on dated 06.12.2024 in ABLAPL No.13751 of 2024 without being detained for a single day inside the jail and when the appellant is in jail custody, then at this juncture, by taking the above factors into account, I find no justification to disallow the appeal preferred by the appellant.

9. Therefore, the appeal preferred by the appellant is allowed.

Order of rejection of bail of the appellant passed on dated 29.11.2024 in T.R. No.195 of 2024 by the learned Judge, Special Court-cum-Sessions Judge, Kendrapatra is set aside.

10. Therefore, the appellant is allowed to go on bail on furnishing bail bond of Rs.50,000/-(rupees fifty thousand) with two solvent sureties each for the like amount to the satisfaction of the court in seisin over the matter with conditions that:-

(i) he (appellant) shall not involve with similar nature of crime in future.

(ii) he (appellant) shall appear before the trial court personally on each date of adjournment of the

case without fail till its conclusion.

(iii) he (appellant) shall not terrorize, coerce, influence or threat to any witnesses of the prosecution including the informant and her family members either directly or indirectly in any manner whatsoever at any stage of the proceeding of the case till the conclusion of its trial, but, in case of his failure to comply any one of the aforesaid conditions, the court in seisin over the matter is authorized to cancel his bail order passed in this appeal outrightly without seeking any permission for the same from this appellate court.

11. Accordingly, the appeal preferred by the appellant is disposed of finally.

12. Grant certified copy of this order to the appellant on proper application.

(A.C. Behera)
Judge

Jagabandhu

Signature Not Verified
Digitally Signed
Signed by: JAGABANDHU BEHERA
Designation: Personal Assistant
Reason: Authentication
Location: OHC, CUTTACK
Date: 20-Dec-2024 20:09:59