IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLA No.954 of 2026
CNR No.ODHC010772012026

Akaran Bhutia **.....** ***Appellant***
Represented by Adv. –
Mr. Saroj Kumar Dash

-versus-

State of Odisha and another **.....** ***Respondent***
Represented by Adv. –
Mr. Saroj Kumar Rout, ASC

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
25.11.2026

Order No.

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

2. Heard the learned counsel for the Appellant and learned counsel for the learned counsel for the State-Respondent No.1. Perused the materials placed on record during hearing of the bail application.

3. By filing the present Criminal Appeal under Section 14(A)(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the Accused-Appellant has approached this Court challenging the impugned order dated 24.09.2026, whereby the learned Judge Special Court, Dhenkanal, rejected the Appellant's prayer for release on bail in C.T. (Spl.) Case No.64 of 2026, arising out of Kantabania P.S. Case No.180 of 2026, registered for alleged commission of offences punishable under Sections 126(2)/ 296/ 115(2)/ 117(2)/ 3(5) of B.N.S. read with Section 3(1)(r)

/3(1)(s)/3(2)(va) of the S.C. & S.T. (PoA) Act, 1989.

3. It is stated by learned counsel for the Appellant that pursuant to an order passed by this Court, the Appellant surrendered on 03.09.2026 to the jail custody. He further contended that the Appellant was released on interim bail vide order dated 07.10.2026. Thereafter, the Appellant has again surrendered on 20.11.2026, and he has been taken back into the custody again. Learned counsel for the Appellant further contended that the Appellant has remanded in custody for more than one month. He has also contended before this Court that the Appellant does not have any criminal antecedent and that he belongs to the locality, therefore, there is no chance of absconding.

4. With regard to the allegation made in the FIR learned counsel for the Appellant contended that as per the prosecution allegation the informant, who belongs to the SC & ST community and is the wife of the injured, reported to the police that the injured, who belongs to the SC & ST community, was assaulted by the co-villagers. Six persons have been specifically named in the FIR but the name of the Appellant does not find place in the FIR. Learned counsel for the Appellant further contended that the name of the Appellant has been inducted subsequently in the course of investigation. It was also submitted before this Court that the allegation made by most of the prosecution witnesses are omnibus in nature and that nobody has specifically stated anything about the present Appellant or any assault being committed by the Appellant on the injured.

5. With regard to the injury sustained by the injured, learned counsel for the Appellant contended that although the injured has

sustained five injuries, out of which two were grievous in nature, the Appellant underwent treatment and is heal and hearty at the moment. He further submitted that some of the co-accused persons have also been interimly protected.

6. Learned counsel for the State on the other hand objected to the release of the Appellant on bail on the ground of gravity and seriousness of the allegation. He further submitted that the FIR story reveals a very pathetic story about the plight of the informant and her husband (injured). Specifically, the manner in which the villagers treated and assaulted the Appellant. He further contended that the Appellant was brutally assaulted by the co-villagers. Learned counsel for the Appellant further submitted that taking into consideration the brutality, the heinousness and gravity of the crime, the Appellant should not be enlarged on bail at this stage.

7. Having regard to the submissions made by the learned counsel appearing for the parties, on a careful examination of the surrounding facts and circumstances as well as the nature of the allegation, further considering the fact that the Appellant was not initially named in the FIR, this Court is inclined to release the Appellant on bail further 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 Court in seisin over the matter. The release of the Appellant shall also be subject to such other terms and conditions deemed appropriate by the Court in seisin over the matter. Violation any of the terms and conditions shall entail cancellation of bail.

8. It is further directed that the bail granted to the Appellant be subject to the condition that the court below shall verify the similar

criminal antecedent of the Appellant. In the event, it is found that the Appellant is having any similar criminal antecedent this bail order shall not be given effect to.

9. Accordingly, the CRLA is allowed and the impugned order dated 24.09.2026 passed the learned Judge Special Court, Dhenkanal, in C.T. (Spl.) Case No.64 of 2026 is hereby set aside.

10. Accordingly, the CRLA stands disposed of.

(A.K. Mohapatra)
Judge

Suchitra

Signature Not Verified
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Signed by: SUCHITRA BEHERA
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 26-Nov-2026 19:30:36