

BLAPL No.5280 of 2017  
31.10.2017

Heard the learned counsel for the petitioner, learned counsel for the State and learned counsel appearing for the informant.

This is an application under Section 439 Cr.P.C. in connection with C.T. Case No.53 of 2017 arising out of Mahanga P.S. Case No.47 of 2017 pending in the Court of learned Presiding Officer, Special Judge under the SC/ST (POA) Act, Cuttack for offences punishable under sections 341/ 324/ 307/ 294/ 506 of the Indian Penal Code and sections 3 and 3(2)(v) of the SC/ST (PA) Act.

The petitioner moved an application for bail before the learned Presiding Officer Special Judge under the SC/ST (POA) Act, Cuttack which was rejected on 13.07.2017.

Learned counsel for the petitioner submits that the petitioner is in custody since 23.06.2017 and in the meantime charge sheet has already been submitted under sections 341 / 324/ 307/ 294/ 506 of the Indian Penal Code and sections 3 and 3(2)(v) of the SC/ST (PA) Act . Learned counsel for the petitioner further submits that the injured Ashok Kumar Sahoo has sustained simple injuries as per the report of the Medical Officer, CHC, Mahanga, Cuttack and therefore, the bail application may be favourably considered.

Learned counsel for the State has produced the case diary and the instruction which he has obtained indicates that the injured was admitted in S.C.B. Medical

College & Hospital, Cuttack for treatment being referred by Medical Officer, CHC, Mahanga, Cuttack and he has been discharged from the hospital.

Learned counsel for the informant vehemently opposed the prayer for bail and submitted that the petitioner has got criminal antecedents and the informant has sustained serious injuries on his person.

Considering the submissions made by the learned counsels for the respective parties, the nature of accusation against the petitioner, the statement of the injured as well as the injury report available on record and the period of detention of the petitioner in judicial custody, I am inclined to release the petitioner on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.20,000.00 (rupees twenty thousand) with two solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper with further condition that the petitioner shall appear before the Mahanga Police Station once in a week on every Sunday in between 4 p.m.

to 6 p.m. till conclusion of the trial without fail and shall not try to tamper with the evidence and shall also appear before the learned Trial Court on each date when the case would be posted for trial and violation of any of the conditions imposed either by this Court or by the learned Court in seisin over the matter, the bail bond shall be liable to be cancelled.

Accordingly, the BLAPL is disposed of.

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

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S. K. Sahoo, J.

