



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.853 of 2024

*Jitu @ Ayushman Pradhan &
Others*

.....

Appellant(s)

Represented By
Mr.U.C.Mishra, Advocate

-versus-

State of Orissa

.....

Respondent(s)

Represented By
Mr.S.Pattnaik, AGA

CORAM:

THE HON'BLE MR. JUSTICE ANANDA CHANDRA BEHERA

Order No.

**ORDER
30.10.2024**

- 04.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is a criminal appeal under Section 14-A of the SC & ST (Prevention of Atrocities) Act, 1989, which has been filed by the appellants challenging an order of rejection of their bail passed on dated 29.07.2024 in C.T. case No.148 of 2024 arising out Tikabali P.S. case No.117/2024 by the learned Addl. District & Sessions Judge-cum-Special Judge, Baliguda.
 3. Heard from the learned counsel for the appellants and learned Additional Government Advocate for State, as, none has appeared from the side of the informant in spite of service of notice.
 4. The appellants are in custody having been implicated with the offences 126(2)/115(2)/132/109/296/351(2)/3(5) of the BNS, 2023 read with Sections 3(2)(v)(v-a), 3(1)(r), 3(1)(s) of SC & ST (Prevention of Atrocities) Act, 1989 on the allegations alleged against them (appellants)



that, while on dated 14.07.2024 at about 7 P.M., the informant (S.I. of police) of Tikabali Police Station had moved to the village of the appellants for an investigation of an another case, at that time, the appellants attack and assaulted the informant (Police Officer) pulling his shirt color and kicked him and also abused in obscene languages touching his caste, as, he (informant /Police Officer) belongs to ST community and the appellants belong to general caste community, for which, the informant (Police Officer) lodged FIR against the appellants and basing upon such FIR, case was registered and investigation was started and during the investigation, the appellants were arrested and forwarded to the Court on 14.07.2024 i.e. on the same day of lodging of the FIR and since then, they (appellants) are in custody.

5. The learned counsel for the appellants submitted for liberal consideration of bail of the appellants contending that, the investigation of the case has already been completed and charge sheet has already been submitted against the appellants under the above sections and that apart, the wife of the appellant No.2 is in the advance stage of her pregnancy and there is no other member in his family to look after his ailing wife.

6. The learned Additional Government Advocate for the state vehemently opposed the bail of the appellants contending that, they (appellants) by forming a group assaulted the public servant i.e. informant, who is S.I. of Police during the course of discharging his public duties, for which, they (appellants) should not be allowed to go on bail for such nature of allegation. Therefore, their prayer for bail cannot be allowed.

7. The injuries on the injured informant (Police Officer) are not grievous, but, simple in nature.

8. The presence of the appellants before the investigating officer during investigation is no more required, because, in the meantime, the



investigation of the case has already been completed due to submission of the charge sheet. The appellants are local persons having their permanent house and homested under the jurisdiction of Tikabali Police Station.

9. As, the investigation of the case has already been completed and injuries on the informant are simple in nature and the presence of the appellants during trial of the case is not unsecured, for which, by taking the above factors into account, it is felt proper to allow the appellants to go on bail.

10. Hence, the bail preferred by the appellants is allowed. The rejection order of their bail passed on dated 29.07.2024 by the learned Addl. District & Sessions Judge-cum-Special Judge, Baliguda in C.T. case No.148 of 2024 is set aside.

11. They (appellants) are 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 learned Addl. District & Sessions Judge-cum-Special Judge, Baliguda with conditions that :-

- (i) They (appellants) shall not involve with similar nature of crime in future.
- (ii) They (appellants) shall appear before the court personally on each date of adjournment of the case.
- (iii) They (appellants) shall not terrorize, coerce, influence or threat to the informant/victim or his family members and witnesses either directly or indirectly in any manner whatsoever at any stage of the trial of the case,, but, in case of their failure to comply any of the aforesaid conditions, the learned trial court is authorized to cancel their respective bail orders outrightly without seeking any permission from this Court for the same.

12. Accordingly, the bail application of the appellants is disposed of finally.

13. Grant certified copy of this order to the appellants during the



course of day on proper application, as, the wife of the appellant No.2 is in advance stage of her pregnancy.

(A.C. Behera)
Judge

Binayak

Signature Not Verified

Digitally Signed
Signed by: BINAYAK SAHOO
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 30-Oct-2024 16:27:36

