
(2026) 08 OHC CK 1555
In the Orissa High Court, Cuttack Bench
Case No : CRLA NO.500 of 2026

Raju @ Rajkishore Mohanty

APPELLANT

Vs

State Of Orissa & Anr.

RESPONDENT

Date of Decision : 04-08-2026

Acts Referred:

Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989-U/S.14-A(2),
Sections 3(1)(r)(s)/3(2)(v)
BNS-U/Ss.103(1)/3(5), Section 105

Citation : (2026) 08 OHC CK 1555

Hon'ble Judges : G. Satapathy, J

Bench : Single Bench

Advocate : Mr. D. Das, Mr. T.K. Acharya, Mr. H. Malik

Final Decision : Allowed

Judgement

G. Satapathy, J.

1. This criminal appeal in nature of bail U/S.14-A(2) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989 together with amendment Act, 2016 (in short, "the Act") is directed against the impugned order dated 20.05.2026 passed in CT (SC/ST) Case No.15 of 2026 by which the learned Sessions Judge, Jagatsinghpur, has refused to grant bail to the appellant in connection with Balikuda PS Case No.55 of 2026 for commission of offences punishable U/Ss.103(1)/3(5) of BNS r/w Sections 3(1)(r)(s)/3(2)(v) of the Act, on the main allegation of assaulting the deceased Kalandi Bhoi to death, along with co-accused persons by taking advantage of his caste.

2. In the course of hearing, Mr. Debasnan Das, learned counsel appearing virtually for the appellant submits that the deceased was in fact in inebriated condition and he was abusing not only to the appellant, but also to others creating disturbance and nuisance in the village, but there is in fact no allegation against the appellant for assaulting the deceased, rather the appellant and his brother had taken the deceased to hospital for his treatment, however,

unfortunately the deceased was declared dead at the hospital. Mr. Das submits that since charge-sheet has already been submitted and there is no material to implicate the appellant for commission of murder of the deceased and at best a case of Section 105 of BNS being attracted against the appellant on the existing materials on record, the appellant may kindly be granted bail.

2.1. In opposing such prayer for bail, Mr. Harekrushna Malik, learned counsel, who enters appearance for the informant in Court today by filing Vakalatnama, which is taken on record, submits that not only the appellant has brought the deceased by smashing him on the ground, but also, he has assaulted him and, thereby, the appellant being prima facie implicated for offence of murder, he should not be granted bail. Mr. T.K. Acharya, learned Additional Public Prosecutor by placing the statement of one Bebina @ Binodini Bhoi prays to reject the bail application of the appellant.

3. After having considered the rival submissions upon perusal of record, there appears allegation against the appellant for assaulting the deceased, but the Post Mortem Report of the deceased reveals few patchy submucosal hemorrhage emitting alcoholic fruity odour and the death of the deceased was opined to be due to hemorrhage and shock and its complication thereof, however, routine viscera of the deceased is preserved to rule out any chances of intoxication. It is further found from the record that the deceased was abusing Bebina and others in the village prior to the occurrence. In the aforesaid facts and situation and taking into account the nature and gravity of the offences as alleged against the appellant vis-?-vis the accusations sought to be brought against him and regard being had to the materials placed on record and the circumstance of transaction preceding the incident and lastly, taking into account the conduct of the appellant in taking the deceased to hospital for his treatment and submission of charge-sheet in the meantime and keeping in view the inherent right of the accused-appellant to be presumed innocent until proven guilty at the trial, this Court without expressing any view on merits, considers it proper to admit the appellant to bail.

4. Hence, the CRLA stands allowed and the impugned order is, hereby, set aside. Consequently, the appellant is directed to be released on bail on such terms and conditions as deem fit and proper by the learned Court in seisin over the matter.

5. Issue urgent certified copy of the order as per Rules. A soft copy of this order be immediately communicated to the concerned Court, who shall afterwards communicate the same to the concerned Jail through e-mail for reference.