

(2022) 03 OHC CK 0038
In the Orissa High Court
Case No : Criminal Appeal No. 572 Of 2021

Siba Shankar Das @ Pintu

APPELLANT

Vs

State Of Odisha And Another

RESPONDENT

Date of Decision : 08-03-2022

Acts Referred:

Indian Penal Code, 1860 — Section 34, 120B, 294, 386, 387, 420, 448, 506
Arms Act, 1959 — Section 25(IB)(a), 27
Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 — Section 3(1)(iv), 3(1)(v), 3(1)(r), 3(2)(v), 14A

Citation : (2022) 03 OHC CK 0038

Hon'ble Judges : B. P. Routray, J

Bench : Single Bench

Advocate : S.D. Das, J. Katikia

Final Decision : Disposed Of

Judgement

B. P. Routray, J

CRLA No.572 of 2021 & I.A. No.208 of 2022

1. Heard Mr. S.D. Das, learned Senior Advocate for the Appellant as well as Mr. J. Katikia, learned A.G.A. for the State-Respondent No.1.
2. This is an appeal under Sec.14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and the offences alleged are under Secs.448/420/386/387/294/506/120-B/34, I.P.C, Secs.3(1)(iv)(v)(r)/3(2)(v) of the S.C. & S.T. (POA) Act and Secs.25 (I-B)(a)/27 of the Arms. Act.
3. Mr. J. Katikia, learned A.G.A. submits that the Respondent No.2-complainant died in the meantime and as such notice of the appeal could not be served on him.
4. In the I.A., the Appellant is seeking his release on interim bail.
5. Mr. Das, learned Senior Advocate for the Appellant submits that the Appellant

is inside custody since 19.1.2018 and the thread ceremony of his son has been fixed to 23.03.2022 at Berhampur. So he may be released on interim bail till then to facilitate and complete the function smoothly.

6. Mr. Katikia, learned A.G.A. while opposing the prayer for release of the Appellant submits that this Appellant has 57 nos. of criminal antecedents in different Police Stations of Ganjam District and the present prayer regarding thread ceremony of his son has been deliberately fixed coinciding the date of municipal election which is on 24.3.2022. It is further submitted that cards were printed to convince the fake ceremony as true with an intention to get bail from the Court.

7. Having heard both the parties and considering the long detention of the Appellant inside custody as well as the grounds advanced that the thread ceremony of his son has been fixed to 23.3.2022, it is directed to release the Appellant on interim bail till 25.3.2022 in connection with Golanthara P.S. Case No.204/2018 arising out of ICC Case No.4/2018 corresponding to G.R. Case No.27/2018 by the learned 2nd Addl. Sessions Judge, Berhampur subject to the following conditions:

- (i) The Appellant shall furnish two sureties for Rs.50,000/-each, out of which one shall be his relative;
- (ii) The Appellant shall not be involved in any other offences while on bail;
- (iii) The Appellant shall not dissuade any witness directly or indirectly by way of inducement, threat or promise acquainted with the facts of the case from disclosing such facts before the court or tamper with the evidence;
- (iv) The Appellant shall not create any untoward public situation and shall not take part in any political rally nor shall be involved in political activities, directly or indirectly;
- (v) The Appellant shall appear before the IIC, Golanthara P.S. in every alternate day during evening hour.

8. It is made clear that if anything is discovered or revealed to believe the proposed thread ceremony as a fake one at any point of time, the interim bail of the Appellant shall be immediately cancelled.

9. It is also made clear that the Appellant shall surrender in the learned trial court on or before 25th March, 2022, failing which learned trial court shall take appropriate steps including issuance of NBW of arrest to apprehend him.

10. The I.A. is disposed of.

11. List the appeal on 15th March, 2022.

12. Learned A.G.A. is at liberty to issue intimation to the LRs of deceased complainant for hearing of the bail application.

13. An urgent certified copy of this order be granted on proper application.

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