

(2023) 12 OHC CK 0041

In the Orissa High Court

Case No : Criminal Appeal No. 27 Of 2023

Sk. Mamud @ Mabud @ Mabood

APPELLANT

Vs

State Of Odisha & Anr

RESPONDENT

Date of Decision : 11-12-2023

Acts Referred:

Indian Penal Code, 1860 — Section 34, 120B, 302
Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 — Section 3(2)(v)

Citation : (2023) 12 OHC CK 0041

Hon'ble Judges : Sashikanta Mishra, J

Bench : Single Bench

Advocate : A.R. Panda

Final Decision : Disposed Of

Judgement

Sashikanta Mishra, J

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the appellant and learned Addl. Standing Counsel for the State.
3. The appellant is in custody in connection with Sahadevkhunta P.S. Case No. 364 of 2021 corresponding to Spl. Case No. 35 of 2022 pending in the Court Spl. Court (SC/ST), Balasore for the alleged commission of offence under Sections 302/120-B/34 of IPC read with Section 3(2)(v) of SC & ST (PoA) Act.
4. It is submitted that trial is in progress. The informant, Madan Singh has expired in the meantime. The other witnesses, namely, Sebati Biswal and Suraj Biswal has been examined as P.Ws. 1 and 2 respectively. Both of them have turned hostile. There is no other evidence to show the complicity of the appellant in the alleged occurrence. The co-accused, Sk. Ramjan has been released on bail as per the order passed by a coordinate Bench of this Court in CRLA No.978 of 2023. The appellant stands on the same footing.

5. Under such circumstances, I am inclined to allow the payer for bail. Let the appellant be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial Court on each date of posting of the case without fail.

6. The CRLA is accordingly disposed of.

7. Issue urgent certified copy as per rules.

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