

(2021) 06 OHC CK 0110
In the Orissa High Court
Case No : Criminal Appeal No. 101 Of 2021

Smrutikant Rath	Vs	APPELLANT
State Of Odisha & Another		RESPONDENT

Date of Decision : 29-06-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 294, 376(1)
Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 — Section 3(1)(r), 3(1)(s), 3(2)(va), 14A(2)

Citation : (2021) 06 OHC CK 0110

Hon'ble Judges : Savitri Ratho , J

Bench : Single Bench

Advocate : Devashis Panda, S K. Zafrullah

Final Decision : Disposed Of

Judgement

Savitri Ratho, J

I have heard Mr. Devashis Panda, learned counsel for the appellant- petitioner, Sk. Zafrullah, learned Addl. Standing Counsel for the State and Mr.

Himanshu Bhusan Dash, learned counsel for the Respondent No.2-informant through video conferencing mode.

This appeal has been preferred by the appellant-Smrutikant Rath under Section 14-A(2) of SC & ST (POA) Act against the order dated 15.02.2021

passed by the learned P.O., Special Court under the SC & ST (POA) Act, Cuttack in C.T. Case No.144 of 2020 corresponding to Cuttack Sadar P.S.

Case No.487 of 2020 registered for commission of offences punishable under Sections 376(1)/294/34 of I.P.C. read with Section 3(1)(r)/3(1)(s)/3(2)

(va) of SC & ST (POA) Act, refusing to release the appellant on bail.

The I.A has been filed for grant of interim bail of eight weeks to enable the

appellant" petitioner to attend to his ailing mother. The copy of the OPD registration slip of SCB medical College annexed to the I.A. reveals that Smt. Sujata Rath, mother of the appellant - petitioner is suffering from uterine Myoma with vaginitis and has been suggested hospitalization for surgery.

It has been further submitted that father of the appellant is ailing with various comorbidities for which he cannot take his wife for treatment, in view of the present pandemic and the younger brother of the appellant has to look after the sustenance of the entire family.

Considering the above submissions, let the appellant-petitioner Smrutikant Rath be released on interim bail for a period of eight weeks from the date of his release on such terms and conditions as may be fixed by the learned Court below in seisin over the matter, including the following conditions :

1. He will not indulge in any criminal activity while on bail.
2. He will not threaten or try to influence prosecution witnesses while on bail.

The I.A. is accordingly disposed of.

It is made clear that the appellant/petitioner shall surrender before the learned Court below immediately after expiry of the interim bail period.

On account of restrictions due to the COVID-19 situation, learned counsel for the parties may utilize a soft copy of this order available in the High

Court's website or print out thereof at par with certified copy in the manner prescribed, vide Court's Notice No.4587, dated 25th March, 2020

as modified by Court's Notice No.4798 dated 15th April. 2021.

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