

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.598 of 2022

Binod Kumar Saha

.... ***Appellant***
Mr. A. Das, Advocate

-versus-

State of Orissa and another

.... ***Respondents***
Mr. K. Das, A.S.C.

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
17.10.2022

Order No.

I.A. No.1251 of 2022

03. 1. Heard Mr. A. Das, learned counsel for the Appellant as well as Mr. K. Das, learned A.S.C. for the State-Respondent No.1.
2. The prayer for interim bail is rejected. The I.A. is dismissed.

CRLA No.598 of 2022

3. Heard Mr. A. Das, learned counsel for the Appellant as well as Mr. K. Das, learned A.S.C. for the State-Respondent No.1. None appears on call for the Respondent No.2-informant despite the concerned lawyer's name has been indicated in the cause list.

4. 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.302/307/323/120-B/34, I.P.C and Secs.3(1)(r)(s)/3(2)(v)(va) of the S.C. & S.T. (POA) Act.

5. It is submitted on behalf of the Appellant that he is inside custody since 17.7.2020 and in the meantime one of the co-accused, namely, Bikash Saha has been released on bail by a coordinate Bench of this Court in BLAPL No.7014 of 2020 in the order dated 17.06.2021. It is further submitted that the present Appellant standing with similar footing with that other co-accused should also be granted the same benefit.

6. It reveals that the prayer of the Appellant was earlier rejected by this Court in CRLA No.331 of 2021 by order dated 01.10.2021. As per the allegations, the deceased died due to dashing of the pick-up van against his motorcycle and this Appellant along with another co-accused, Bhakolo was seen running by coming out of the said pick-up van. Therefore, it is clear that the co-accused, namely, Bikash Saha is standing on different footing than the present Appellant and therefore his release on bail cannot be considered as a ground of parity in respect of the present Appellant.

7. It is further submitted on behalf of the Appellant that despite he being inside custody for more than two years, the trial has not yet commenced.

8. Considering the same, learned trial court, i.e. learned Additional Sessions Judge, Padampur is directed to take all expeditious steps to commence the trial without further delay and complete the same as expeditiously as possible.

9. However, considering the nature of allegations against the present Appellant and the materials available against him, I do not find any reason to release him on bail at this stage. Accordingly, the prayer for bail is rejected.

10. The CRLA is dismissed.

11. A copy of this order be communicated to the learned Additional Sessions Judge, Padampur without delay.

