



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLA No.615 of 2026
CNR No. ODHC010521822026

Hero Khan @ Abdul Satar Khan* ... *Appellant

Mr. A. Mishra, Advocate

-versus-

State of Orissa and another* ... *Respondents

Mr. T.K. Acharya, Addl. PP

Mr. B.S. Rayaguru, Advocate (Informant)

CORAM: JUSTICE G. SATAPATHY

Order No.

ORDER(ORAL):09.09.2026

02.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This Criminal Appeal in the nature of bail U/S.14-A 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 01.07.2026 passed in CT (Special) Case No.44 of 2026 by which the learned Additional Sessions Judge-Cum-Judge Special Court, Kamakhyanagar, Dist-Dhenkanal has refused to grant bail to the appellant in connection with Tumusinga PS Case No.234 of 2026, for commission of offence punishable U/Ss.126(2)/296/115(2)/109(1)/303(2)/3(5) of BNS r/w Sections 3(1)(r)/3(1)(s)/3(2)(v)/3(2)(va) of the Act, on the main allegation of attempting to the life the injured Tapas Mallik and Deepak Mallik belonging to "SC" category by assaulting them with deadly weapons, along with co-



accused persons in furtherance of their common intention.

3. Heard, Mr. Arijeet Mishra, learned counsel for the appellant; Mr. T.K. Acharya, learned Additional Public Prosecutor and Mr. Bhabani Shankar Rayaguru, learned counsel for the informant in the matter and perused the record.

3.1. At the outset, Mr. Bhabani Shankar Rayaguru, learned counsel for the informant by highlighting the injury to the injured persons submits that the injured are yet to recover and the injuries being grievous in nature and such injury being found to be produced through swords, the bail application of the appellant may kindly be rejected.

4. After having considered the rival submissions upon perusal of record, there appears allegation against the appellant for giving fist and kick blows to the injured, but the main allegation of assaulting the injured Tapas Mallik by means of a sword is directed against co-accused Rahil @ Abdul Naushad Khan. The present appellant is in custody since 24.06.2026 and in the meantime, charge-sheet has already been submitted. In the aforesaid premises and on consideration of materials placed on record together with the role as alleged against the appellant and keeping in view the other circumstances on record in entirety including the inherent right of the accused-appellant to be presumed innocent until proven guilty



at the trial and the trial being not likely to commence in near future and lastly, no material being collected to suggest that the appellant would abscond or pose threat to the witnesses, if released on bail, this Court without expressing any view on the merits, considers it proper to admit the appellant to bail.

5. 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 **except cash surety** as deem fit and proper by the learned Court in seisin over the matter with following condition:-

(i) the appellant shall not threaten, induce, influence or coerce any of the witnesses including the family members of the injured acquainted with the facts of the case so as to dissuade them from disclosing such facts before the Court.

6. 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.

(G. Satapathy)
Judge

Subhasmita

Signature Not Verified

Digitally Signed
Signed by: SUBHASMITA DAS
Designation: Sr. Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 09-Sep-2026 19:36:56

