



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLA No.1459 of 2025

Sarfuddin Khan & Others

...

Appellants

Mr. D.P. Dhal, Sr. Advocate

-versus-

State of Odisha & Anr.

...

Respondents

Mr. P. Satpathy, Addl. PP

CORAM: JUSTICE G. SATAPATHY
ORDER(ORAL)24.07.2026

Order No.

04.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This criminal appeal Under Section 14-A(2) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989 together with amendment Act, 2016 (in short, "the Act") in nature of bail is directed against the impugned order dated 27.09.2025 passed in SC Case No.26 of 2024 by which the learned Special Judge, Anandapur has refused to grant bail to the appellants in connection with Ramchandrapur PS Case No.349 of 2024 for commission of offences punishable under Sections 191(2)/ 191(3)/ 296/ 115(2)/ 118(1)/ 117(2)/118(2)/ 74/324(4)(5)/ 326(g)/109/190 of BNS r/w Sec. 3(1)(r)(s)(u)/3(2)(v)(va) of SC & ST (PA) Act, but subsequently turned to Sec. 191(2)/191(3)/ 296/115(2)/ 118(1)/117(2)/118(2)/74/324(4)/324(5)/326(g)/109/103(2)/ 190 of B.N.S., 2023 read with Sec. 3(1)(r)(s)(u)/3(2)(v)(va) of SC & ST (PA) Act, on the main allegation of committing murder of the deceased Omkar Jena and injuring his parents namely Purna Chandra Jena and Jharana Jena belonging to SC community by assaulting them, along with co-accused



persons in furtherance of their common intention by taking advantage of the caste of the injured and the deceased.

3. Heard, Mr. Debi Prasad Dhal, learned Sr. counsel for the appellants; and Mr. P. Satpathy, learned Additional Public Prosecutor in the matter and perused the record together with the copy of deposition of PW.1 to 3. None appears for the informant despite being duly informed as apprised by the learned Addl. PP.

4. Admittedly, PW.2 and 3 are injured eye witnesses, but they have not supported the prosecution allegation against the appellant. Besides, the appellants are in custody since 18.10.2024, but the trial is yet to be concluded. In such view of the matter and taking into account the materials so placed on record keeping in view the evidence of the eye witnesses, this Court without expressing any view on merit admits the appellants to bail.

5. Hence, the criminal appeal stands allowed and the impugned order is hereby set aside. Consequently, the appellants are directed to be released on bail on such terms and conditions as deems fit and proper by the learned Court in seisin over the matter.

6. Accordingly, the CRLA stands disposed of. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge