

Supreme Court in India Rejects Bail of Orissa Legislator

✖ India's Supreme Court on Tuesday (Jan. 25) rejected the bail granted to Hindu nationalist Orissa state legislator Manoj Pradhan following his conviction in the murder of a Christian, Parikhita Nayak.

Pradhan, of the Bharatiya Janata Party (BJP), was convicted on June 29, 2010 of "causing grievous hurt" and "rioting" and sentenced to seven years of prison in the murder of Nayak, of Budedi village, who died on Aug. 27, 2008. In its decision, the Supreme Court ordered the High Court to reconsider its decision to grant him bail.

Pradhan had been granted bail by the High Court on July 6 on grounds having won the April 2009 state assembly election. Contesting the election from jail, he had become a Member of the Legislative Assembly (MLA) representing Kandhamal's G. Udayagiri constituency. On Sept. 9, 2010 he was convicted in the murder of Bikram Nayak of Budedipada, for which he was sentenced to six years of rigorous imprisonment (see , "Court in India Convicts Legislator in Second Murder Case," Sept. 10, 2010). He received bail within 40 days of that conviction.

Parikhita Nayak's widow, Kanaka Rekha Nayak, had challenged the granting of bail before the Supreme Court. She pointed out in her petition that there were seven other murder cases against Pradhan, including the second conviction.

"Being an MLA was not grounds for granting of bail," she told Compass.

Nayak's petition also argued that, because of his position, Pradhan intimidated witnesses outside of jail. She told

Compass that, after receiving bail in spite of their convictions, Pradhan and an accomplice continued to roam the area, often intimidating her.

In the Supreme Court decision, Justice B. Sudarshan Reddy and Justice S.S. Nijjaron wrote that the High Court should have taken into consideration the findings of the trial court and the alleged involvement of the respondent in more than one case.

"The [bail] order clearly reflects that the High Court was mainly impressed by the fact that the respondent is a sitting MLA," they wrote. "In the circumstances, we find it difficult to sustain the order."

Pradhan was accused of stopping Parikhita Nayak and then calling together a large group of persons armed with axes and other weapons, who then hacked Nayak to death; afterward they sought to dispose of the body by burning it.

Pradhan denied all charges against him, telling Compass by telephone that they were "baseless."

"I have full faith in the judiciary system, and justice will be done," Pradhan said, adding that he and other "innocent people" have been arrested due to political pressure and that the real culprits are at large.

On his next move, he said he would surrender himself to police custody if necessary and then file another application for bail.

Dr. John Dayal, secretary general of the All India Christian Council, told Compass that he was pleased.

"Pradhan deserves to be behind bars in more than one case, and it was a travesty of justice that he was roaming around terrorizing people," Dayal said. "He was not involved in every single act of violence, but he was the ring leader. He planned

the violence; he led some of the gangs.”

Dibakar Parichha of the Cuttack-Bhubaneswar Catholic Archdiocese told Compass that police records showed that Pradhan was a “field commander of Hindu extremists sent to kill Christians.”

The state government’s standing counsel, Suresh Tripathy, supported this week’s cancellation of bail.

Cases against Legislator

Pradhan told Compass that a total of 289 complaints were registered against him in various police stations during the August-September 2008 attacks on Christians in Kandhamal district, Orissa, out of which charge sheets were filed in only 13 cases.

Of the 13, he has been acquitted in seven and convicted in two murder cases, with six more cases pending against him – “Three in Lower Court, two in the High Court and One in the Supreme Court,” Pradhan told Compass.

Of the 13 cases, seven involved murder; of those murder cases, he has been acquitted in three.

Cases have been filed against Pradhan for rioting, rioting with deadly weapons, unlawful assembly, causing disappearance of evidence of offense, murder, wrongfully restraining someone, wrongful confinement, mischief by fire or explosive substance with intent to destroy houses, voluntarily causing grievous hurt and voluntarily causing grievous hurt by dangerous weapons or means.

Pradhan was also accused of setting fire to houses of people belonging to the minority Christian community.

The Times of India reported Pradhan as “one of the close disciples” of Vishwa Hindu Parishad (VHP or World Hindu Council) leader Swami Laxamananda Saraswati, whose

assassination on Aug. 23, 2008, touched off the anti-Christian violence in Kandhamal and other parts of Orissa.

Status of Trials

Expressing complete dissatisfaction in the trial system, Dayal told Compass that the two Fast Track courts are "meting out injustice at speed."

"One of the main reasons," he said, "is lack of police investigation, the inadequacy of the department of projections to find competent public prosecutors, and the inadequacy of the victim community to find a place in the justice process."

As a result, he said, victims are not appropriately represented and killers are not appropriately prosecuted.

"Therefore, the two courts find enough reason to let people off," Dayal said.

Complaints filed at a police station in Kandhamal after the violence of 2008 totaled 3,232, and the number of cases registered was 831.

The government of Orissa set up two Fast Track courts to try cases related to the violence that spread to more than a dozen districts of Orissa. The attacks killed more than 100 people and burned 4,640 houses, 252 churches and 13 educational institutions.

The number of violent cases in the Fast Track courts is 231 (non-violent cases numbered 46, with total cases thus reaching 277). Of the violent cases, 128 have resulted in acquittals and 59 in convictions; 44 are pending.

Of the 722 people facing trial, 183 have been convicted, while 639 have been acquitted.