



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.43 of 2026
CNR- ODHC010015872026

Susanta Pradhan @ **Appellant/**
Krushna Pradhan **Petitioner**

Represented by Adv.-
Mr. S. Panda, Advocate

-versus-

State of Odisha & another

Respondents/
Opp. Parties

Represented by Adv.-
Mr. R.B. Dash, ASC
Ms. Agnisikha Ray, Amicus
Curiae for the informant

CORAM:
HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

Order No.
ORDER
11.09.2026
(Hybrid mode)
I.A. No.1007 of 2026

06.

- 1.** This is an application for bail.
- 2.** Heard Mr. S. Panda, learned counsel appearing for the appellant and Mr. R.B. Dash, learned Additional Standing Counsel appearing for the State-Respondent and Ms. Agnisikha Ray, learned Amicus Curiae appearing for the informant.
- 3.** The present appeal has been filed by the appellant assailing the judgment of conviction and the order of



sentence dated 02.12.2025 passed by the learned Additional District Judge-cum-Special Court under POCSO Act, Berhampur in G.R. Case No.177 of 2024 (TR No.17/2025), whereby the appellant has been convicted for the offence punishable under Section 75 of the BNS and Sections 10/12 of the POCSO Act and sentenced him to undergo R.I. for five years and to pay a fine of Rs.3,000/- (Rupees three thousand), in default, to undergo R.I. for a further period of three months for the offence U/S. 10 of the POCSO Act. He was also sentenced to undergo R.I. for three years and to pay fine of Rs.2,000/- (Rupees two thousand), in default, to suffer R.I. for two months for the offence U/S. 12 of the POCSO Act. No separate sentence was passed U/S. 75 of the BNS in view of Section 42 of the POCSO Act, 2012.

4. The prosecution case in brief is that, the informant, who is the father of the victim, reported at the P.S. alleging that on 07.11.2024, the victim was playing outside her house after returning from Anganwadi. At that time, the accused called her, bolted the door and opened her panty. He also opened his own pant and sat upon the victim. The victim shouted to leave and in the meantime, the maternal uncle of the accused Nirakar Pradhan arrived at the spot and accused fled away. Hence, the case.



5. Pursuant to the order dated 12.08.2026, learned State counsel has placed on record the Custody Certificate of the appellant dated 18.08.2026 received from the Superintendent, Circle Jail, Berhampur, which indicates that the appellant has already undergone custody for a period of 9 months and 7 and his conduct inside the jail is also stated to be satisfactory. The IIC, Gopalpur P.S. has placed on record the report of criminal antecedent of the appellant dated 11.09.2026, which indicates that there is no criminal antecedent against the appellant. The said reports are taken on record.

6. The victim has been examined as P.W.2. She has deposed in her cross-examination as follows:

"One day while I was playing in the village road, accused Krushna Pradhan called me. He opened my panty and also opened his own pant. During that time Nirakar bapa saw both of us. He directed the accused not to come to his house. Then I returned to my house. I intimated my mother about the incident.

Victim identified the accused physically present today."

7. The victim has stated that the incident was witnessed by Nirakar bapa(P.W.4.). However, P.W.4



in his deposition has stated that he has no knowledge of the incident at all. Besides these two witnesses, although other witnesses have been examined, but none of their evidence lend any support to the prosecution case.

8. Mr. R.B. Dash, learned Additional Standing Counsel appearing for the State opposed the prayer for bail made by Mr. Panda, learned counsel for the appellant.

9. In view of the nature of evidence and the fact that the appellant has already undergone custody for 9 months and 7 days out of the total awarded sentence of 5 years as awarded by the learned trial Court and since there is no chance of hearing the appeal in near future, I am inclined to suspend the sentence pending appeal.

Hence, the appellant be released on bail pending disposal of the appeal on furnishing bail bond of Rs.50,000/- (Rupees fifty thousand) with two local solvent sureties for the like amount to the satisfaction of the learned trial Court. The learned trial Court shall also impose the additional conditions as deemed fit and proper in the facts and circumstances of the case and shall also verify the criminal antecedents of the appellant.

10. Violation of any of the terms and conditions shall entail cancellation of the bail.



11. Accordingly, the I.A. is disposed of.

12. Urgent certified copy of this order be granted as per rules.

(Sibo Sankar Mishra)
Judge

Subhasis