

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.3 of 2012

Wool @ Kabuli @ Adityamaya ***Appellant***
Harichandan

Mr. R. N. Das Mohapatra, Advocate

-versus-

State of Odisha ***Respondent***

Mr. A. K. Nanda, AGA

CORAM:
JUSTICE S.K. MISHRA
JUSTICE K.R. MOHAPATRA

ORDER
18.08.2021

I.A. No.598 of 2021 & I.A. No.582 of 2021

Order No.

12. 1. These I.As are taken up through Hybrid mode.
2. Heard learned counsel for the appellant and learned Additional Government Advocate.
3. I.A. No.598 of 2021 filed under Section 389 of the Code.

4. This is a successive bail application filed by the appellant under Section 389 of Code for grant of bail upon appeal. His earlier bail application has been rejected on 21.12.2018 in Misc. Case No.1231 of 2014, arising out of CRLA No.3 of 2012.

5. In this case, the appellant has been convicted and sentenced to undergo imprisonment for life and to pay a fine of Rs.1,000/-, in default of payment of fine, to undergo R.I. for three months of the charge under Section 396 of the Penal Code and also to undergo imprisonment for life and to pay a fine of Rs.500/- in default to undergo R.I. for one month of the charge under Sections 3 and 4 of the Explosive Substance Act, so also to undergo R.I. for three years of the charge under Sections 25 and 27 of the Arms Act vide the judgment of conviction and order of sentence dated 15.12.2011 passed by the learned Adhoc Additional Sessions Judge, FTC, Khurda in S.T. No.38/45-2010-09. In the said judgment it was also directed that the aforesaid sentences are to run concurrently and the U.T.P. period be set off.

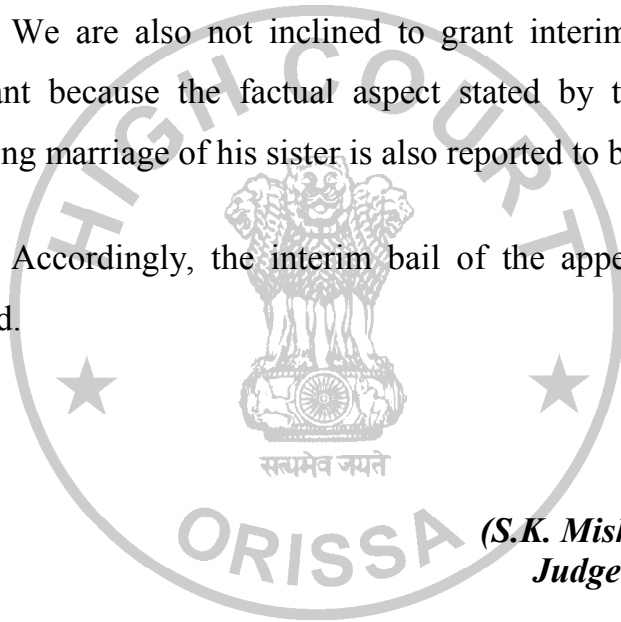
6. It is apparent from the record that three persons were killed in course of the dacoity. The normal rule of premature release as adopted by the State Government is not applicable to the present case, even, if the appellant has undergone

imprisonment for more than ten years, which is stated to be 13 years in this case.

7. Keeping in view the gravity of the offence and the maximum sentence prescribed for the offence alleged and the larger and greater interest of the State and Society, this Court is not inclined to grant bail to the appellant. Hence, the bail application of the appellant is rejected.

8. We are also not inclined to grant interim bail to the appellant because the factual aspect stated by the appellant regarding marriage of his sister is also reported to be incorrect.

9. Accordingly, the interim bail of the appellant is also rejected.



(S.K. Mishra)
Judge

(K.R. Mohapatra)
Judge

CRLA No.3 of 2012

1. Since the appellant is in custody for long time and the paper book has already been prepared, matter be listed before the assigned Bench.

2. Deputy Registrar (Judicial) is directed to do the needful to list it before the assigned Bench.

(S.K. Mishra)
Judge

(K.R. Mohapatra)
Judge

T.TUDU

