



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.14 of 2012

***Hadua @ Ajay Samal* *Appellant/
Petitioner***

Represented by Adv.-

Mr. Sidhartha Das, Advocate

-versus-

***State of Odisha* *Respondent/
Opp. Party***

Represented by Adv.-

Mr. Suvalaxmi Devi, ASC

CORAM:

**HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
AND**

HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

ORDER

Order No.

23.03.2026

(Hybrid mode)

I.A. No.28 of 2012

08. **1.** This is an application for bail on behalf of appellant Hadua @ Ajay Samal, who has been convicted by the Adhoc Addl. District Judge, FTC-II, Cuttack vide judgment dated 20.08.2011 in S.T. Case No. 130/2004 for the offence under sections 302/34 of the Indian Penal Code read with Sections 25 and 27 of the Arms Act and was sentenced to undergo rigorous imprisonment for life for the offence under section 302/34 of the Indian Penal Code. In addition to that, the appellant-petitioner was also sentenced to undergo R.I. for three years for the offence under sections 25 and 27 of the



Arms Act and all the sentences shall run concurrently.

2. Heard learned counsel for the appellant and learned counsel for the State-Respondent.

3. The appellant has been in custody for ten years six months and six days as on 06.02.2026 as per the custody certificate produced by the jail Authority.

4. Initially, eight accused persons stood charged for the offences under sections 302/149/34 of IPC read with sections 25/27 of the Arms Act. However, four accused persons have been acquitted of all the charges and remaining four accused persons, namely, the present appellant, Kalia @ Ramesh Das, Susa @ Susanta @ Nirakar Swain, Papua @ Pabitra Behera have been convicted for the offence under Sections 302/34 of IPC and the present appellant additionally has been convicted for the offence under Sections 25/27 of the Arms Act. All the convict-appellants have filed separate appeals, which are pending before this Court. During pendency of the appeal, the co-convicts have already been enlarged on bail. The present appellant is only languishing in the custody since his arrest.

5. Pursuant to our direction dated 27.01.2026, the IIC, Malgodown P.S., Cuttack has placed on record the report dated 01.02.2026, *inter alia*, disclosing that the present appellant is involved in as many as seven cases. We had directed the appellant to file a comprehensive affidavit to disclose the status of all those cases. Pursuant thereto, the appellant, through her mother, has filed an affidavit dated 16.03.2026, *inter alia*, disclosing that in two cases, namely,



Malgodown P.S. Case No.68 of 1999 and Malgodown P.S. Case No.11 of 2001, he has already been acquitted. In two other cases, the proceeding under Section 110 Cr.P.C. initiated in the year 2002 has already been lapsed and remaining two cases being cases pertaining to minor offences, he has already been admitted to bail.

6. The learned counsel appearing for the State has opposed the prayer for bail on various grounds.

7. We have perused the evidence of P.Ws.5 and 6, which was emphatically read out by the State Counsel while opposing the bail plea. P.W.5 has deposed before the court that he saw the incident where Susa, Hadua, Mangu, Kalia, Popua, Felu, Bubu and some others came to the eastern club by their two wheelers. Accused Mantu and Hadua abused Tapan (deceased) and asked him to come out. Thereafter, Dinesh came out from the eastern club and talked with Kalia. Thereafter, Mantu gave pushes to Dinesh and entered into the club house. Accused Susa, Hadua were armed with pistols and Mantu was armed with Bhujali so also Papu and Kalia were armed with Bhujali and two others were armed with Sword. First Mantu entered into the club and thereafter others accused entered. This witness deposed that he saw Ashish having injured came out from inside the club and by that time Hadua fired his brother, the deceased. After firing all of them came out and started leaving the spot. P.W.5 is the informant in the present case. He has admitted in the cross examination that the narration made by him in his deposition regarding the sequence of events has not been



reflected in the FIR lodged by him.

P.W.6 is another eye witness, who has more or less narrated the incident in the same manner. But he has admitted in his cross examination that he was not examined by the police and he has not disclosed this fact before the police.

P.W.4, was the doctor, who has conducted the post mortem examination and found seven injuries in the body of the deceased. He has also deposed that the injuries sustained by the deceased are caused by blunt weapons, sharp cutting weapons, due to surgical intervention and fired arm wound.

8. Regard being had to the nature of injuries and considering the fact that other convicted accused persons have already been enlarged on regular bail and the fact that the appellant has already remained in custody for more than ten years six months and the appeal is pending since 2012 and there is no scope of the appeal being heard in the near future and keeping in view the principle laid down by this Court in ***Leti @ Jayadeb Roy and another Vrs. The State reported in (1990) 3 Orissa Criminal Reports 427***, we are inclined to release the appellant-petitioner on interim bail for a period of three months from the date of his actual release. The appellant shall surrender before the learned trial court on expiry of three months period.

For the above period, let the appellant-petitioner be released on interim bail in the aforesaid case on furnishing bail bond of Rs.50,000/-(rupees fifty thousand) with one



local solvent surety for the like amount to the satisfaction of the learned trial Court subject to condition that while on interim bail the appellant-petitioner shall not indulge in any criminal activities in any manner and any other condition to be imposed by the learned trial court as deem fit and proper in the facts and circumstances of the case..

Violation of any of the conditions shall entail cancellation of interim bail.

The I.A. is disposed of accordingly.

9. Issue urgent certified copy of this order as per rules.

(Manash Ranjan Pathak)
Judge

(Sibo Sankar Mishra)
Judge

CRLA No.14 of 2012

- 09.
- 1.** List this matter after three months.
 - 2.** Learned counsel for the appellant shall file the Surrender Certificate of the appellant on the next date.

(Manash Ranjan Pathak)
Judge

(Sibo Sankar Mishra)
Judge