

CRLREV No.501 of 2013
Misc. Case No.788 of 2013
09.08.2016

This is an application for grant of bail.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner has been convicted under sections 363/366/376 of the Indian Penal Code and sentenced to undergo R.I. for two years and to pay a fine of Rs.3000/- (rupees three thousand), in default of payment of fine, to undergo R.I. for three months for the offence under section 363 of the Indian Penal Code; R.I. for five years and to pay a fine of Rs.5000/- (rupees five thousand), in default of payment of fine, to undergo R.I. for six months for the offence under section 366 of the Indian Penal Code and R.I. for seven years and to pay a fine of Rs.10,000/- (rupees ten thousand) and in default of payment of fine, to undergo R.I. for one year for the offence under section 376 of the Indian Penal Code by the learned Asst. Sessions Judge, Baripada in S.T. Case No.78/205 of 2010.

Perused the impugned judgment.

Learned counsel for the petitioner submits that out of seven years of substantive sentence which has been imposed by the learned Trial Court and confirmed by the learned Appellate Court, the petitioner has already undergone substantive sentence of four years and three months and there is no chance of early hearing of the revision petition in the near future and the petitioner was on bail during trial and he has never misutilised

his liberty. He further submits that the evidence of the doctor runs contrary to oral evidence of the victim and therefore, the bail application of the petitioner may be favourably considered.

Learned counsel for the petitioner placed the evidence of doctor Ranjulata Mahanty who has been examined as P.W.16 before the learned Trial Court.

Learned counsel for the State on the other hand placed the statement of the victim (P.W.7) and contended that the evidence of the victim is clinching and trustworthy and therefore, no fault can be found with the impugned judgment and order of conviction.

Considering the submissions of the learned counsels for the respective parties, the nature of evidence available on record, the fact that the petitioner was on bail during trial of the case and out of substantive sentence of seven years, he has already undergone more than four years and three months of substantive sentence, taking into account absence of any chance of early hearing of the revision petition in the near future, I am inclined to release the petitioner on bail.

Let the petitioner Dhananjaya Rath @ Bhatu be released on bail pending disposal of the revision petition on furnishing personal bond of Rs.20,000/- (rupees twenty thousand) with two solvent sureties each for the like amount to the satisfaction of the learned Trial Court.

The Misc. Case is disposed of.
Urgent certified copy of this order be granted on proper application.

S.K.Sahoo, J.

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