



IN THE HIGH COURT OF ORISSA AT CUTTACK

JCRLA No.64 of 2017

Purusottam Singh

***.... Appellant/
Petitioner***

*Mr. Jagannath Kamila,
Advocate*

-versus-

State of Odisha

***.... Respondent/
Opp. Party***

*Mr. Jateswar Nayak,
Addl. Govt. Advocate*

CORAM:

**THE HON'BLE MR. JUSTICE S.K. SAHOO
THE HON'BLE MISS. JUSTICE SAVITRI RATHO**

ORDER

03.03.2025

Order No.

02. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Prisoner's petition is at Flag-'X' in which a prayer has been made for engagement of Mr. Jagannath Kamila, learned counsel instead of Mr. Swapnanil Roy.

Mr. J. Kamila and Mr. S.K. Zafarulla, learned counsels have filed vakalatnama, which is accepted.

The name of Mr. Swapnanil Roy shall not be reflected in the cause list as well as the brief henceforth.

***(S.K. Sahoo)
Judge***

***(Savitri Ratho)
Judge***



I.A. No.92 of 2024

03. This is an application under section 389 of the Cr.P.C. for bail.

Heard.

The petitioner has been convicted for the offence punishable under section 302 of the Indian Penal Code (hereinafter 'the I.P.C.') and sentenced to undergo imprisonment for life for committing the offence under section 302 of the I.P.C. and to pay a fine of Rs.5,000/-, in default, to undergo further rigorous imprisonment for a period of one year by the learned Sessions Judge, Baleswar vide judgment and order dated 14.03.2017 passed in Sessions Trial case No. 134 of 2015.

Learned counsel for the petitioner submitted that there is no direct evidence against the petitioner and the prosecution case is based on circumstantial evidence and the petitioner is in judicial custody for more than ten years. He further submits that in this case, the paper book has not been prepared, there is no chance of early hearing of this appeal and the balance of convenience lies in favour of the petitioner. Therefore, the bail application of the petitioner may be favourably considered.

Learned counsel for the State, on the other hand, opposed the prayer for bail and submitted that there are four strong circumstantial evidence against the petitioner in this case, which has been discussed in paragraph-22 of the judgment passed by the learned Trial Court and it is a case where the petitioner appeared before the police station with the severed cut head of the deceased so also



the katari kept in a bag and he also led the police to the spot where the trunk was lying and before P.W.5, who is the son of the deceased and the petitioner has also made extra judicial confession. Therefore, he should not be released on bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of circumstantial evidence available on record and the manner in which the crime has been committed, we are not inclined to release the petitioner on bail. However, as he is in judicial custody for more than ten years, the registry is directed to expedite the preparation of the paper book and thereafter, the matter be added to the 'Hearing' list.

Accordingly, the I.A. is disposed of.

(S.K. Sahoo)
Judge

(Savitri Ratho)
Judge

I.A. No.91 of 2024

04. This is an application for stay of realization of fine.
Heard.

There shall be stay of realization of fine amount imposed on the appellant-petitioner by the learned Sessions Judge, Baleswar vide judgment and order dated 14.03.2017 passed in Sessions Trial case No.134 of 2015 pending disposal of the criminal appeal.



The I.A. is disposed of.

Issue certified copy as per rules.

(S.K. Sahoo)
Judge

(Savitri Ratho)
Judge

Rajesh