



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.225 of 2023

Tuna Behera

..... Appellant/Petitioner

*Mr. Asutosh Tripathy,
Advocate*

-versus-

State of Odisha

..... Respondent/Opp. Party

Mr. S.C. Pradhan, ASC

CORAM:

**THE HON'BLE MR. JUSTICE S.K. SAHOO
THE HON'BLE MR. JUSTICE S.S. MISHRA**

ORDER

01.12.2025

Order No.

I.A. No.3189 of 2023

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

This is an application for bail.

Heard Mr. Asutosh Tripathy, learned counsel appearing for the petitioner and Mr. S.C. Pradhan, learned Additional Standing Counsel appearing for the State.

The petitioner has been convicted for the offences punishable under sections 302/34 of the Indian Penal Code and sentenced him to undergo imprisonment for life and to pay a fine of Rs.10,000/- (Rupees ten thousand), in default, to undergo further period of R.I. for six months for the offence under Section 302/34 of the Indian Panel Code by



the learned Additional Sessions Judge, Kamakhyanagar in C.T.(Ss) No.23 of 2013.

As per the order dated 03.09.2025, the learned counsel for the petitioner has filed an affidavit which shows that challenging the conviction order, he has preferred Criminal Appeal No.136 of 2016 before this Court which was disposed of on 12.09.2024 as not pressed, as the petitioner had already undergone sentence awarded by the learned trial Court. The copy of the order has been annexed to the affidavit.

Learned counsel for the petitioner submits that the bail application of the petitioner was rejected on merit vide order dated 29.08.2023 and the petitioner has remained in custody for more than 13 years. The Custody Certificate which is dated 25.08.2025 indicates the custody period to be 12 years, 11 months and 25 days.

Considering the submissions made by learned counsel for the respective parties, the period of detention of the petitioner in the judicial custody, absence of any chance of early hearing of the appeal, we are inclined to release the petitioner on interim bail for a period of three months from the date of his release and the petitioner shall surrender before the learned trial Court immediately on expiry of three months period. While on interim bail, the petitioner shall not indulge himself in any criminal activities. Violation of any of the terms and conditions shall entail cancellation of the interim bail granted to the petitioner.



Let the petitioner be released on interim bail for three months in the aforesaid case on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with one local solvent surety for the like amount to the satisfaction of the learned trial Court.

The I.A. is accordingly disposed of.

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

(S.K. Sahoo)
Judge

(S.S. Mishra)
Judge

09.

CRLA No.225 of 2023

List this matter after three months.

Learned counsel for the petitioner shall file the Surrender Certificate of the petitioner on the next date.

(S.K. Sahoo)
Judge

(S.S. Mishra)
Judge