



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLA No.98 of 2018

1) Mithun Bhoi

.....

Appellants

2) Kanha@Ganesh Bhoi

Represented By Adv. -
M/s.Bibekananda
Baisakh M/S.Sambit
Samal, A.Hussen,
K.B.Moharana

-versus-

State Of Orissa

.....

Respondent

Represented By Adv.
– S. N. Das, ASC

CORAM:
THE HON'BLE MR. JUSTICE D.DASH

ORDER

16.05.2024

Order
No.

Misc. Case No.252 of 2018

08. 1. This matter is taken up through hybrid arrangement
(virtual/physical) mode.
2. Heard.
3. There shall be stay realization of fine till disposal of this
Appeal.
4. The Misc. Case is accordingly disposed of.

(D. Dash)
Judge



ORDER

16.05.2024

Misc. Case No.251 of 2018

Order
No.

09. 1. This is an application under section 389 of the Cr.P.C. for suspension of execution of sentence imposed upon the Appellants for commission of offence under section 376(D) of the IPC read with section 6 of the POCSO Act and his release on bail pending disposal of this Appeal.

2. Learned counsel for the Appellant instead of pressing this application for suspension of further execution of sentence and grant of bail to the Appellants pending disposal of this Appeal, confines his submission for grant of interim bail to the Appellant No.2. He submits that the Appellant No.2 being arrested in the case is in custody for about 6 years and for such long detention of the Appellant No.2 in custody, it is not only that he is suffering but also his family members are now suffering a lot. He submits that the family members of the Appellant No.2 having somehow been able to manage the situation till now, henceforth to continue, they need the help of this Appellant No.2 and for that reason, the presence of this Appellant No.2 at home for sometime is absolutely necessary. He, therefore, prays for disposal of this application accepting the prayer as aforesaid.

3. Learned counsel for the Respondent-State does not dispute the period of the detention of the Appellant No.2 during trial and thereafter.

4. Considering the submissions made and on going through the judgment of conviction as also the deposition of the victim and other witnesses, while being not inclined to



grant bail to the Appellant No.2, pending disposal of this Appeal, taking into account the long period of detention of the Appellant No.2 in custody and his need at present be there at home for sometime to look after their family members; it is directed that the Appellant No.2 be released on interim bail for a period of 03 (three) months from the date of his actual release from the custody by the learned Additional Sessions Judge-cum-Special Judge, Jagatsinghpur in Special G.R. No.15 of 2015 on such terms and conditions as deemed just and proper with further conditions that the he will positively surrender before the learned court in seissin of the case on the date as would be so directed.

5. The Misc. Case is accordingly disposed of.

Issue urgent certified copy as per rules.

(D.Dash)
Judge

Order
No.

ORDER
08.05.2024
CRLA No.98 of 2018

10. 1. List this Appeal for hearing in the week commencing 9th September, 2024.

Signature Not Verified

Digitally Signed
Signed by: GITANJALI NAYAK
Designation: Junior Stenographer
Reason: Authentication
Location: OHC
Date: 21-May-2024 16:32:22



(D. Dash),
Judge.