



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.331 of 2025

CNR- ODHC010173792025

Rabindra Behera

....

***Appellant/
Petitioner***

Represented by Adv.-
Mr. Soura Chandra Mohapatra,
Senior Advocate
Mr. Suryakanta Dwibedi,
Advocate

-versus-

State of Odisha & another

***Respondents/
Opp. Parties***

Represented by Adv.-
Mr. R.B. Dash, ASC
Mr. Basanta Kumar Nayak,
Advocate for the informant

CORAM:

HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

ORDER

20.08.2026

(Hybrid mode)

Order No.

12.

I.A. No.1560 of 2026

- 1.** This is an application for bail.
- 2.** The present appeal has been filed by the appellant assailing the judgment of conviction and the order of sentence dated 05.02.2025 passed by the learned Additional Sessions Judge-cum-Special Court under POCSO Act, Nayagarh in T.R. No.207 of 2022,



whereby the appellant has been convicted for the offence punishable under Section 506 (Part-I) of IPC and Section 10 of the POCSO Act and sentenced him to undergo R.I. for six years and to pay a fine of Rs.10,000/- (Rupees ten thousand), in default, to undergo further R.I. for a period of six months; to undergo R.I. for two years and to pay fine of Rs.2,000/- (Rupees two thousand), in default, to undergo further R.I. for two months for the offence under Section 506 (Part-I) of the IPC. Both the sentences were directed to run concurrently.

3. The prosecution case in brief is that on 22.10.2022 at about 3 P.M., when the victim was playing on the village road, the accused called her to do some work. The grand-mother of the victim, who was on her verandah, heard this and called the victim. On query, the victim disclosed that just before the Dussehra on two Sundays, the accused called her to his house and to the house of one Chhoti Maa. There, he committed rape to her twice on each occasion. The accused threatened the victim and asked her not to disclose the said incident to anyone. Hence, the case.

4. Heard Mr. Soura Chandra Mohapatra, learned Senior Advocate and Mr. Suryakanta Dwibedi, learned counsel appearing for the appellant, Mr. R.B. Dash, learned Additional Standing Counsel appearing for the



State and Mr. Basanta Kumar Nayak, learned counsel for the informant.

5. Pursuant to the order dated 03.08.2026, learned counsel for the State has placed the Custody Certificate and the Conduct Certificate of the appellant dated 20.08.2026 received from the Superintendent, District Jail, Nayagarh. The Custody Certificate indicates that the appellant has already undergone custody for three years, seven months and twenty five days as on 20.08.2026 and his jail conduct is also satisfactory. The said Certificates are taken on record.

6. Mr. Soura Chandra Mohapatra, learned Senior Advocate appearing for the appellant submits that the appellant has already undergone half of the sentence, i.e., three years and seven months out of the total sentence of six years awarded to him by the learned trial Court. The prosecution could not prove aggravated penetrative sexual assault against the appellant. Hence, the appellant may be released on bail.

7. Mr. R.B. Dash, learned Additional Standing Counsel appearing for the State did not oppose the prayer for bail made by Mr. Mohapatra, learned Senior Advocate appearing for the appellant, in view of the nature of evidence available on record and the period of custody already undergone by the appellant.



8. Without adverting to the merits of the case ad regard being had to the nature of the evidence, the period of custody of the appellant and the appeal is of the year 2025 and since there is no scope of the appeal being heard in the near future, I am inclined to suspend the sentence pending appeal.

Hence, the appellant be released on bail pending disposal of the appeal on furnishing bail bond of Rs.50,000/- (Rupees fifty thousand) with two local solvent sureties for the like amount to the satisfaction of the learned trial Court. The learned trial Court shall also impose the additional conditions as deemed fit and proper in the facts and circumstances of the case.

9. Violation of any of the terms and conditions shall entail cancellation of the bail.

10. Accordingly, the I.A. is disposed of.

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

(Sibo Sankar Mishra)
Judge

13.

I.A. No.771 of 2025

1. This is an application for stay of realization of the fine amount imposed by the learned trial Court.



2. There shall be stay of realization of the fine amount imposed by the learned Additional Sessions Judge-cum-Special Court under POCSO Act, Nayagarh in T.R. No.207 of 2022, till disposal of the Criminal Appeal.

3. The I.A. is disposed of.

(Sibo Sankar Mishra)
Judge

Subbasis