



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.434 of 2017

Rabindra Dandasena ***Appellant/
Petitioner***

Mr. L. Bhuyan, Advocate

-versus-

State of Odisha ***Respondent/
Opposite Party***

*Mrs. Sushamarani Sahoo,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO
JUSTICE R.K. PATTANAİK**

**ORDER
20.05.2024**

Order No.

06. This matter is taken up through Hybrid arrangement (video conference/physical mode).

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

The appellant-petitioner Rabindra Dandasena has been convicted under section 302 of the India Penal Code and sentenced to undergo imprisonment for life 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 by the learned Sessions Judge,



Mayurbhanj, Baripada vide judgment and order dated 6th June, 2017 in S.T. Case No.265 of 2013.

The learned counsel for the petitioner submits that the petitioner is the husband of the deceased Kaintha Naik and he is in judicial custody since 28.04.2013 and the evidence of the son and daughter-in-law of the petitioner who have been examined as P.Ws.6 and 7 respectively indicate that the dead body of the deceased was found hanging in the house of the petitioner but taking into account the evidence of the doctor (P.W.10), who conducted post mortem examination who opined that the cause of death was asphyxia due to strangulation, the learned trial court has convicted the petitioner under section 302 of the Indian Penal Code. It is further argued that there are good chances of success in the appeal and balance of convenience is in his favour and there is no likelihood of the appeal being taken up for early hearing as paper book has not been prepared yet and therefore, the bail application may be favourably considered.

Learned counsel for the State opposed the prayer for bail and placed the evidence of P.W.6 and P.W.7 and doctor (P.W.10).



Considering the submission made by the learned counsel for the respective parties, the nature of evidence adduced during trial, particularly in view of the evidence of the doctor, while not inclining to release the petitioner on bail on merit, but taking into account his period of detention for more than eleven years and keeping in view the ratio laid down in the case of **Leti @ Jayadeb Roy and another -Vrs.- The State reported in (1990) 3 Orissa Criminal Reports 427**, we are inclined to release the petitioner on interim bail for a period of three months.

Let the appellant-petitioner be released on interim bail pending disposal of the appeal on furnishing bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned trial Court subject to condition that the appellant-petitioner shall not indulge in any criminal activities in any manner.

Violation of any of the conditions shall entail cancellation of bail.

The learned state counsel shall obtain report about the conduct of the petitioner from the concerned I.I.C. during interim bail period. The



petitioner shall not indulge in any criminal activities while on bail.

(S.K. Sahoo)
Judge

(R.K.Pattanaik)
Judge