

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.376 of 2019

**Deba @ Debabrata Majhi Appellant/
Petitioner**

Mr. A.R. Panda, Advocate

-versus-

**State of Odisha Respondent/
Opp. Party**

*Mr. P.B. Tripathy,
Addl. Standing Counsel*

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

**ORDER
27.03.2024**

★ **I.A. No.1962 of 2022** ★

Order No.

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

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

Heard.

Perused the impugned judgment.

The appellant-petitioner has been convicted for the
offences punishable under section 4 of the POCSO act
read with section 376(2)(i) of the I.P.C. and sentenced to
undergo R.I. for a period of ten years and to pay a fine of
Rs.5,000/- (rupees five thousand), in default, to undergo

R.I. for a further period of three months for the offence under section 4 of the POCSO Act by the learned Addl. Sessions Judge -cum- Special Judge, Balasore vide judgment and order dated 18.05.2019 passed in Special Case No.57 of 2016.

Learned counsel for the petitioner submitted that the petitioner was taken into judicial custody in connection with this case on 27.02.2016 and thereafter he was released from judicial custody on 05.10.2016 and after pronouncement of the judgment, he was again taken into judicial custody on 18.05.2019. Learned counsel further submitted that earlier when the petitioner approached this Court for bail in I.A. No.900 of 2021, as per order dated 22.11.2021, the bail application was rejected granting liberty to the petitioner to renew his prayer for bail if after serving half of the substantive sentence imposed by the learned trial Court, the appeal is not taken up for hearing.

Learned counsel for the State, as per the order dated 11.03.2024 has produced the custody certificate of the petitioner dated 04.03.2024 received from the Superintendent, District Jail, Balasore wherein it is mentioned that the petitioner has already undergone five years, five months and eight days of sentence.

Considering the submissions made by the learned counsel for the respective parties, the sentence imposed

by the learned trial Court, the period already undergone by the petitioner in judicial custody and absence of any chance of early hearing of the appeal in the near future, while not inclining to release the petitioner on bail on merit, I am inclined to release him on interim bail for a period of three months from the date of release. The petitioner shall immediately surrender before the learned Court below on expiry of the said three months period.

For the above period, let the appellant/petitioner be released on interim bail to the satisfaction of the learned trial Court in connection with the aforesaid case 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 Court in seisin over the matter including the conditions that the appellant shall not indulge in any criminal activities.

Violation of the condition shall entail cancellation of bail.

The I.A. is disposed of accordingly.

(S.K. Sahoo)
Judge

CRLA No.376 of 2019

22. List this matter in the week commencing 8th July 2024.

Learned counsel for the appellant shall file the

surrender certificate of the appellant by the next date.

(S.K. Sahoo)
Judge

sipun

