

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.423 OF 2023

Tulia @ Nigamananda Jena ***Appellant***

Mr. D. Panda, Advocate

-versus-

State of Odisha ***Respondent***

Mr.S.K.Nayak, AGA

Mr.G.M.Rath, Advocate for the Informant

MR. JUSTICE D. DASH

MR. JUSTICE G.SATAPATHY

ORDER

09.10.2023

I.A. No.926 of 2023

Order No.

05. 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. This is an application under section 389 Cr.P.C. for suspension of execution of sentence imposed upon the Appellant, namely, Tulia @ Nigamananda Jena by the Trial Court while convicting him for the offence under section 302/120-B/34 of the Indian Penal Code by the learned 3rd Additional Sessions Judge, Cuttack in S.T. Case No.134 of 2018, pending disposal of this Appeal and for his release on bail.
3. Heard learned counsel for the Appellant, learned State Counsel for the Respondent as well as the learned counsel for the Informant.
4. Taking into account the submissions made and on going through the judgment passed by the Trial Court; further keeping in view the evidence as to the role of the Appellant emanating from the lips of the witnesses examined from the side of the prosecution in the trial which are impeached on several grounds and other

surrounding circumstances including the period of detention of the Appellant in custody, this Court is inclined to direct for suspension of further execution of sentence imposed upon this Appellant. Accordingly, we direct that he (Tulia @ Nigamananda Jena) be released on bail in S.T. Case No.134 of 2018 by the learned 3rd Additional Sessions Judge, Cuttack pending disposal of this Appeal on such terms and conditions as deemed just and proper by the Trial Court with further conditions that he shall appear before the Inspector-in-Charge of the concerned P.S. on every Monday in between 10.00 am to 2.00 pm till disposal of this Appeal; and shall not indulge himself in any criminal activity and shall appear before the Trial Court when would be so directed.

Violation of any of the above condition(s) shall entail cancellation of bail.

5. The I.A. is accordingly disposed of.

**(D. Dash),
Judge.**

**(G.Satapathy),
Judge.**

ORDER

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Order No.

CRLA No.423 of 2023

06. 1. Let this Appeal be listed in the week commencing 4.12.2023 along with CRLA No.629 of 2023.

Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**

**(G.Satapathy),
Judge.**

Signature Not Verified

Digitally Signed
Signed by: BASUDEV NAYAK
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 10-Oct-2023 17:07:07

Basu