

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No. 417 of 2019

1. Santosh Biswal
2. Surendra Kumar Dash
3. Krushna Behera
4. Manoj Kumar Sahu **Appellants/
Petitioners**

*Mr. N. Nanda Mohapatra,
Advocate for appellant no.1*

*Mr. Pulakesh Mohanty, Advocate
for appellant no.2*

*Mr. S. S. Mohanty, Advocate for
appellant no.3*

*Mr. J.K. Panda, Advocate for
appellant no.4*

-versus-

State of Odisha **Respondent/
Opposite Party**

*Mr. A. Das,
Addl. Government Advocate.*

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

27.06.2023

Order No.

I.A. Nos.842, 447 & 1902 of 2023

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

Heard learned counsel for the appellants-petitioners no.1,3 & 4 and learned counsel for the State.

The appellant-petitioner nos.1-Santosh Biswal, appellant no.3-Krushna Behera and appellant no.4-

Manoj Kumar Sahu have been convicted under sections 376(D)/506/34 of the Indian Penal Code and sentenced to undergo R.I. for a period of twenty years and to pay a fine of Rs.30,000/- (rupees thirty thousand), in default, to undergo R.I. for a period of six months for the offence under section 376(D) of the Indian Penal Code and to undergo R.I. for two years for the offence under sections 506/34 of the Indian Penal Code by the learned Addl. Sessions Judge, Chatrapur in S.T. Case No.398 of 2013.

Learned counsel for the appellants submitted that the appellant nos.1,3 & 4 are in judicial custody since 07.05.2013 and as such they have already undergone ten years of substantive sentence out of twenty years imposed by the learned trial Court. He further submits that the application for bail of the aforesaid three appellants in I.A. No.993 of 2019 was rejected vide order 25.01.2021 and it was observed that if the appeal is not ready for hearing even after the appellants have undergone half of the substantive sentence, then the appellants would be at liberty to renew their prayer for bail. He further submits that paper book has not been prepared. Therefore, the bail application of the appellants may be favourably considered.

Learned counsel for the State does not dispute that the appellant nos.1,3 & 4 have already undergone half of substantive sentence.

Considering the submissions made by the learned

counsel for the respective parties, the fact that the appellant nos.1,3 & 4 have already undergone half of the substantive sentence imposed by the trial Court and absence of any chance of early hearing, I am inclined to release them on interim bail for a period of three months from the date of release. The said appellants shall immediately surrender before the learned Court below on expiry of the said three months period.

For the above period, let the appellant nos.1,3 & 4 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) each 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 they shall not come in contact with the victim or any prosecution witnesses, shall not indulge in any criminal activities. Violation of any of the conditions shall entail cancellation of bail.

The Interim Applications are accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

CRLA No. 417 of 2019

12. Learned counsel for the appellant no.2-Surendra Kumar Dash submits that he has filed I.A. No.1459 of

2023 yesterday (26.06.2023) for bail.

List this matter on 4th July, 2023 for Orders along with I.A. No.1459 of 2023.

The name of Mr. Pulakesh Mohanty, learned counsel for the appellant no.2 be reflected in the cause list in place of Mr. Pulakit Mohanty.

(S.K. Sahoo)
Judge

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