

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/
Opp. Party**

*Mr. Manoranjan Mishra
Addl. Standing Counsel*

CORAM:

JUSTICE S.K. SAHOO

ORDER

04.07.2023

Order No.

I.A. No.1502 of 2023

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

Heard learned counsel for the appellant-petitioner no.2 and learned counsel for the State.

The appellant-petitioner Surendra Kumar Dash

along with others 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 petitioner no.2 submits that the petitioner is in judicial custody since 07.05.2013 and as such he has already undergone ten years of substantive sentence out of twenty years imposed by the learned trial Court. Learned counsel further submits that petitioner nos.1, 3 & 4 have already been released on bail by this Court vide order dated 27.06.2023 passed in I.A. Nos.842, 447 & 1902 of 2023. Learned counsel further submits that the paper book has not been prepared and therefore, the bail application of the petitioner no.2 may be favourably considered.

Learned counsel for the State does not dispute that the petitioner no.2 has already undergone half of substantive sentence.

Considering the submissions made by the learned counsel for the respective parties, the fact that the

petitioner no.2 has already undergone half of the substantive sentence imposed by the trial Court, release of the petitioner nos.1,3 & 4 on interim bail and absence of any chance of early hearing, I am inclined to release petitioner no.2 on interim bail for a period of three months from the date of release. The petitioner no.2 shall immediately surrender before the learned Court below on expiry of the said three months period.

For the above period, let the petitioner no.2- Surendra Kumar Dash 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 he shall not try to 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 I.A. is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

P.T.O

CRLA No. 417 of 2019

14. List this matter in the week commencing from 9th October 2023.

Learned counsel for the appellant no.2 shall file the surrender certificate of the appellant by the next date.

(S.K. Sahoo)
Judge

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