

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. Rajesh Tripathy
Addl. Standing Counsel*

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

ORDER

12.12.2023

Order No.

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

Learned counsel for the appellant no.1 Santosh Biswal submitted that after availing the interim bail period, the appellant no.1 has already surrendered in

the trial Court and he has been taken into judicial custody.

Since surrender certificate has not been produced by the learned counsel for the appellant no.1, let a report be called for from the learned trial Court i.e. learned Additional Sessions Judge, Chatrapur in S.T. Case No.398 of 2013 as to whether the appellant no.1 Santosh Biswal after availing the interim bail period has surrendered or not.

The bail application of appellant no.1 i.e. I.A No.2880 of 2023 shall be considered after receipt of the report.

Learned counsel for the appellant no.2 Surendra Kumar Dash submitted that after availing the interim bail period, the appellant no.2 has surrendered at right time and in support of such contention, he has filed the surrender certificate, which is taken on record.

(S.K. Sahoo)
Judge

I.A. No.2937 of 2023

16. This is an application for bail of appellant no.2 Surendra Kumar Dash.

Heard.

The appellant no.2-petitioner no.2 and three 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) each, in default, to undergo R.I. for a period of six months each for the offence under section 376-D of the Indian Penal Code and R.I. for two years for the offence under section 506/34 of the Indian Penal Code and both the substantive sentences were directed to run concurrently by the learned Additional Sessions Judge, Chatrapur in S.T. Case No.398 of 2013.

Perused the impugned judgment.

Considering the submission made by the learned counsel for the petitioner no.2 that petitioner no.2 has already undergone half of the substantive sentence and there is no chance of early hearing of the appeal in the near future and the conduct of the petitioner no.2 in complying with the earlier interim bail order, I am inclined to release the petitioner no.2 on interim bail for a period of three months from the date of release and he shall surrender before the learned trial Court immediately on expiry of three months period.

For the aforesaid period, let the appellant no.2- petitioner no.2 Surendra Kumar Dash be released on interim bail 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 with further terms and conditions

as the learned Court may deem just and proper subject to condition that while on interim bail, the petitioner no.2 shall not indulge in any criminal activities in any manner.

Violation of any terms and conditions shall entail cancellation of interim bail.

I.A. is accordingly disposed of.

(S.K. Sahoo)
Judge

I.A. No.2952 of 2023

17. This is an application for bail of appellant no.3 Krushna Behera.

Heard.

The appellant no.3-petitioner no.3 and three 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) each, in default, to undergo R.I. for a period of six months each for the offence under section 376-D of the Indian Penal Code and R.I. for two years for the offence under section 506/34 of the Indian Penal Code and both the substantive sentences were directed to run concurrently by the learned Additional Sessions Judge, Chatrapur in S.T. Case No.398 of 2013.

Perused the impugned judgment.

Considering the submission made by the learned counsel for the petitioner no.3 that petitioner no.3 has already undergone half of the substantive sentence and there is no chance of early hearing of the appeal in the near future and the conduct of the petitioner no.3 in complying with the earlier interim bail order, I am inclined to release the petitioner no.3 on interim bail for a period of three months from the date of release and he shall surrender before the learned trial Court immediately on expiry of three months period.

For the aforesaid period, let the appellant no.3-petitioner no.3 Krushna Behera be released on interim bail 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 with further terms and conditions as the learned Court may deem just and proper subject to condition that while on interim bail, the petitioner no.3 shall not indulge in any criminal activities in any manner.

Violation of any terms and conditions shall entail cancellation of interim bail.

I.A. is accordingly disposed of.

(S.K. Sahoo)
Judge

I.A. No.2979 of 2023

18. This is an application for bail of appellant no.4

Manoj Kumar Sahu.

Heard.

The appellant no.4-petitioner no.4 and three 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) each, in default, to undergo R.I. for a period of six months each for the offence under section 376-D of the Indian Penal Code and R.I. for two years for the offence under section 506/34 of the Indian Penal Code and both the substantive sentences were directed to run concurrently by the learned Additional Sessions Judge, Chatrapur in S.T. Case No.398 of 2013.

Perused the impugned judgment.

Considering the submission made by the learned counsel for the petitioner no.4 that petitioner no.4 has already undergone half of the substantive sentence and there is no chance of early hearing of the appeal in the near future and the conduct of the petitioner no.4 in complying with the earlier interim bail order, I am inclined to release the petitioner no.4 on interim bail for a period of three months from the date of release and he shall surrender before the learned trial Court immediately on expiry of three months period.

For the aforesaid period, let the appellant no.4-petitioner no.4 Manoj Kumar Sahu be released on

interim bail 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 with further terms and conditions as the learned Court may deem just and proper subject to condition that while on interim bail, the petitioner no.4 shall not indulge in any criminal activities in any manner.

Violation of any terms and conditions shall entail cancellation of interim bail.

I.A. is accordingly disposed of.

(S.K. Sahoo)
Judge

CRLA No.417 of 2019

19. List this matter in the week commencing from 02.04.2024. Learned counsel for the appellants nos.2 to 4 shall produce the surrender certificate of the appellants nos.2 to 4 on the next date.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge