



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

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**Respondent/
Opp.Party**

*Mr. Rajesh Tripathy
Addl. Standing Counsel*

CORAM: JUSTICE S.K. SAHOO

ORDER

08.04.2024

I.A. No. 1270 of 2023

Order No.

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

This is an application for bail of appellant-petitioner no.1 Santosh Biswal.

Learned counsel appearing for appellant-petitioner no.1 submits that he has preferred another interim



application for bail of appellant-petitioner no.1 vide I.A. No. 2880 of 2023 and therefore, he does not want to press this interim application.

I.A. No.1270 of 2023 is disposed of as not pressed.

(S.K. Sahoo)
Judge

I.A. No. 2880 of 2023

17. This is an application for grant of bail to the appellant-petitioner no.1 Santosh Biswal.

Heard the learned counsel for the petitioner no.1 and learned counsel for the State.

Learned counsel for the petitioner no.1 submitted that the petitioner no.1 has already undergone half of the substantive sentence and last time, he was granted interim bail for a period of three months as per order dated 27.06.2023 and after availing the same, he surrendered at right time. He has filed the surrender certificate of petitioner no.1. Learned counsel further submitted that since there is no chance of early hearing of the appeal in the near future, the petitioner no.1 may be granted interim bail for some period.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the period already



undergone by the petitioner no.1 in judicial custody, absence of any chance of early hearing of the appeal in the near future and conduct of the petitioner no.1 in complying with the earlier interim bail order, while not inclining to release the petitioner no.1 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 no.1 shall immediately surrender before the learned Court below on expiry of the said three months period.

For the above period, let the petitioner no.1 be released on interim bail to the satisfaction of the learned trial Court in connection with Sessions Trial No. 398 of 2013 of the Court of learned Addl. Sessions Judge, Chatrapur (Ganjam) 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



CRLA No.417 of 2019

18. Learned counsel for appellant no.2 Surendra Kumar Das submitted that the surrender certificate of appellant no.2 has been filed before the Registry on 6th April 2024. He further submitted that the appellant no.2 has filed one interim application bearing I.A. No. 808 of 2023.

Let the Registry place the surrender certificate on record. The I.A. No. 808 of 2023, if any, filed be listed for orders.

Learned counsel for appellant no.3 submitted that though appellant no.3 Krushna Behera was granted interim bail for a period of three months as per order dated 12.12.2023 passed in I.A. No. 2952 of 2023, but he was released from custody after filing bail bonds on 20.01.2024 and the three months interim bail period is not yet over.

Learned counsel for appellant no.3 shall file the surrender certificate of appellant no.3 by the next date.

List this matter in the week commencing from 22nd April 2024.

(S.K. Sahoo)
Judge

PKSahoo