



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. B. Panigrahi
Mr. R. N. Biswal
Mr. J. K. Panda
Mr. N. Nanda, Advocates

-versus-

State of Odisha **Respondent/
Opp. Party**

Mr. Priyabrata Tripathy,
Addl. Standing Counsel

CORAM:
JUSTICE S.K. SAHOO

ORDER
23.08.2024

Order No.

I.A. No.808 of 2024

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

This is an application for bail filed by appellant-petitioner no.2-Surendra Kumar Dash.

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

The appellants-petitioners have been convicted under sections 376-D and 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 to undergo R.I. for two years each for the offence under section 506/34 of the Indian Penal Code by the learned Addl. Sessions Judge, Chatrapur in Sessions Trial No.398 of 2013.

Learned counsel for the petitioner no.2 submitted that the petitioner no.2 was earlier granted interim bail and he has never misutilized the liberty and appellant-petitioner no.4 has recently been released on interim bail for a period of three months, inter alia, taking into account the period of detention vide order dated 02.08.2024 and therefore, the petitioner no.2 may be granted interim bail.

Learned counsel for the State has obtained instruction that there is no allegation of misutilization of liberty against appellant-petitioner no.2 while on interim bail.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner no.2 in judicial custody and his conduct in complying with the terms and conditions of the earlier interim bail order, absence of any allegation of misutilization of liberty, while not inclining to release him 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.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 indulge in any criminal activities.

Violation of any of the conditions shall entail cancellation of bail.

The I.A. is disposed of accordingly.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

I.A. No.1093 of 2024

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

This is an application for bail filed by appellant-petitioner no.3-Krushna Behera.

Heard the learned counsel for the petitioner no.3 and learned counsel for the State.

The appellants-petitioners have been convicted under sections 376-D and 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 to undergo R.I. for two years each for the offence under section 506/34 of the Indian Penal Code by the learned Addl. Sessions Judge, Chatrapur in Sessions Trial No.398 of 2013.

Learned counsel for the petitioner no.3 submitted that the petitioner no.3 was earlier granted interim bail and he has never misutilized the liberty and appellant-petitioner no.4 has recently been released on interim bail for a period of three months, inter alia, taking into account the period of detention vide order dated 02.08.2024 and therefore, the petitioner no.3 may be granted interim bail.

Learned counsel for the State has obtained instruction that there is no allegation of misutilization of liberty against appellant-petitioner no.3 while on interim bail.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner no.3 in judicial custody and his conduct in complying with the terms and conditions of the earlier interim bail order, absence of any allegation of misutilization of liberty, while not inclining to release him 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.3 shall immediately surrender before the learned Court below on expiry of the said three months period.

For the above period, let the petitioner no.3- Krushna Behera 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 indulge in any criminal activities.

Violation of any of the conditions shall entail cancellation of bail.

The I.A. is disposed of accordingly.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

I.A. No.808 of 2024

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

Learned counsel appearing for the appellant-petitioner no.1 submitted that the appellant-petitioner no.1 does not want to go on interim bail.

The prayer for bail stands rejected.

I.A. is accordingly disposed of.

(S.K. Sahoo)
Judge

CRLA No.417 of 2019

27. List this matter in the week commencing from 16th December 2024.



Learned counsel for the appellants shall produce the surrender certificates of appellant no.2 so also appellant no.3 by the next date.

(S.K. Sahoo)
Judge

PKSahoo