



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLA No. 417 of 2019

Santosh Biswal & Ors.

.....

Appellants

Mr. B. Panigrahi, Advocate
Mr. P. Mohanty, Advocate

-versus-

State of Odisha

.....

Respondent

Mr. C.K. Pradhan, AGA

CORAM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

27.02.2026

Order No.41

I.A. Nos. 133 & 2565 of 2025

1. This matter is taken up through hybrid mode.
2. Heard learned counsel appearing for the Parties.
3. While I.A. No. 133 of 2025 has been filed by the Appellant No. 2 seeking grant of bail, I.A. No. 2565 of 2025 has been filed by Appellant No. 1 seeking grant of bail by keeping the sentence under suspension. However, in course of hearing both the learned counsels appearing for Appellant Nos.1 & 3, contended that applications be treated as applications for interim bail for a period of three (3) months.
4. Learned counsels appearing for the Appellant Nos. 1 & 3 contended that out of the substantive sentence imposed against all the Appellants for the offence under Sec. 376-D and Section 506/34 of I.P.C., both the Appellants have already undergone more than 12 years of the sentence out of the substantive sentence imposed for 20 years and to pay a fine of Rs.30,000/- in default R.I. for 1 (one) year for the offence under Sec. 376-D of the I.P.C. and to undergo R.I. for two (2) years each for the offence under Sec. 506/34 of I.P.C.. It is contended that both the Appellants



were released on interim bail vide order dtd.08.04.2024 and 23.08.2024 respectively. It is contended that they have not violated the terms and conditions of the said interim bail.

4.1. It is also contended that further interim bail allowed in favour of Appellant No. 1 on 21.07.2025 and in favour of Appellant No. 3 on 05.12.2025 was also never violated at any point of time.

4.2. It is contended that since both the Appellants have never violated the interim bail so passed by this Court on different occasion and they have already undergone more than 12 years of the substantive sentence out of 20 years, the Appellant be released on interim bail for a period of three (3) months on any terms and conditions as deem fit and proper by this Court.

5. Learned Addl. Standing Counsel while does not dispute the release of both the Appellants on interim bail on two different occasion by this Court, but contended that if this Court is inclined to direct for release of the Appellant Nos. 1 & 3 on interim bail, then stringent condition be imposed.

6. Having heard learned counsel appearing for the Parties, considering the submission made and the fact that both the Appellants have never violated the interim bail allowed by this Court on two (2) different occasion and they have already undergone more than 12 years of the substantive sentence of 20 years, this Court is inclined to direct for release of both the Appellants on interim bail for a period of three (3) months to be counted from the date of their release, on any terms and conditions as deem fit and proper by the Court in seisin in S.T. No. 398 of 2013 in the file of learned Addl. Sessions Judge, Chatrapur. However, both the Appellants are directed to



surrender immediately on completion of the interim bail period without fail.

7. Accordingly, both the I.As stand disposed of.

(BIRAJA PRASANNA SATAPATHY)
Judge

Sneha