



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.471 of 2018

Ananda Naik

....

**Appellant/
Petitioner**

*Mr. Nilamadhab Praharaj,
Advocate*

-versus-

State of Odisha

....

**Respondent/
Opp. Party**

*Mr. Jateswar Nayak,
Addl. Government Advocate*

CORAM:

THE HON'BLE MR. JUSTICE S.K. SAHOO

THE HON'BLE MR. JUSTICE S.S. MISHRA

ORDER

23.07.2025

Order No.

I.A. No.544 of 2023

12. This is an application for bail.

Heard.

The appellant-petitioner has been convicted under section 302 of the Indian Penal Code and sentenced to undergo imprisonment for life and to pay a fine of Rs.15,000/- (rupees fifteen thousand), in default, to undergo further R.I. for a period of six months by the learned Additional Sessions Judge, Karanjia in Sessions Trial Case No.16 of 2016.

Perused the impugned judgment.



As per order dated 09.07.2025, the learned counsel for the State has produced the custody certificate issued by the Senior Superintendent, Circle Jail, Baripada dated 16.07.2025, which indicates that the petitioner is in judicial custody for more than eleven years. The custody certificate is taken on record.

Learned counsel for the State submits that the bail application of the petitioner was earlier rejected on merit as per order dated 10.08.2020.

In the case of **Leti @ Jayadeb Roy and another -Vrs.- The State reported in (1990) 3 Orissa Criminal Reports 427**, it is held as follows:-

"21. Stage has reached to express our view on the question whether the convicts who have been in jail for three years because of non-disposal of their appeals could claim their release on bail with the aid of Art.21 of the Constitution? According to us, Art.21 demands that the cases of such convicts have to be liberally viewed while examining the question of their release on bail and in run-of-mill cases enlargement on bail in the first instance for a temporary period of say three months for cogent personal reasons may not be refused. We have mentioned about temporary release in the first



instance, to enable all concerned to watch the performance of the convict during the interregnum. If it would be found that he has misused the liberty, the period of his release on bail would not be enlarged. If, however, there be nothing against the convict, he would merit release on bail till the disposal of his appeal. Of course, for special reasons, which would include the nature of the crime and the antecedents of the convict, the benefit of release on bail even for a temporary period may be denied. The types of cases in which this benefit should be denied cannot be laid down exhaustively but should be akin to those about which reference has been made earlier. This apart, if the character and antecedent of the convict be such as would give ground to believe that his release on bail may not be safe, he too may be denied the protective shield of Art.21."

Considering the submissions made by the learned counsel for the respective parties, in view of the available materials on record, while not inclining to release the petitioner on bail on merit, but taking into account the period of detention of the petitioner in judicial custody and keeping in view the ratio laid



down by this Court in the case of **Leti** (supra), we are inclined to release the petitioner on interim bail for a period of three months from the date of release and the petitioner shall surrender before the learned trial Court immediately on expiry of the three months period.

For the above period, let the appellant-petitioner be released on interim bail in the aforesaid case on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with one local solvent surety for the like amount to the satisfaction of the learned trial Court subject to condition that the petitioner shall not indulge in any criminal activities in any manner.

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

Learned counsel for the State shall produce the report from the Inspector in-charge of Jashipur police station regarding the conduct of the petitioner while on interim bail.

The I.A. is disposed of accordingly.

(S.K. Sahoo)
Judge

(S.S. Mishra)
Judge



CRLA No.471 of 2018

13. List this matter in the week commencing from 03.11.2025. Learned counsel for the appellant shall produce the surrender certificate of the on the next date.

Urgent certified copy of this order be granted as per rules.

(S.K. Sahoo)
Judge

(S.S. Mishra)
Judge

RKM