



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.471 of 2018

Ananda Naik

.... **Appellant(s)**

Represented by Adv.-

Mr. Nilamadhab Praharaj, Advocate

-Versus-

State of Odisha

.... **Respondent(s)**

Represented by Adv.

Ms. Suvalaxmi Devi, ASC

CORAM:

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

AND

HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

ORDER

20.07.2026

(Hybrid mode)

I.A. No.3597 of 2025

Order No.

- 15.**
- 1.** This is an application for bail moved by the sole appellant.
 - 2.** Heard learned counsel for the parties.
 - 3.** The appellant-petitioner has been convicted for the offences under Section 302 of the I.P.C. and sentenced to undergo imprisonment for life and to pay a fine of Rs.15,000/- (rupees fifteen thousand), in default to undergo R.I. for a period of six months by the learned Additional Sessions Judge, Karanjia in Sessions Trial Case No.16 of 2016.



4. The appeal has been pending since 2018. Earlier, the appellant had approached this Court by filing I.A. No. 544 of 2023 seeking grant of bail. Taking into consideration the period of detention already undergone by the appellant in judicial custody and keeping in view the ratio laid down in ***Leti @ Jayadeb Roy and Another v. State***, reported in **(1990) 3 Orissa Criminal Reports 427**, this Court vide order dated 23.07.2025 granted him interim bail for a period of three months. Pursuant to the said order, the appellant surrendered before the concerned Court within the stipulated time after availing the bail period. The present application, being I.A. No. 3597 of 2025, has been filed seeking grant of bail.

5. Vide order dated 23.02.2026, learned counsel for the State was directed to obtain instruction regarding the criminal antecedents, if any, against the appellant and his jail conduct while on interim bail. Pursuant thereto, learned counsel for the State has produced a report dated 20.04.2026 received from the I.I.C., Jashipur Police Station, no adverse material reported to have been found against the appellant in connection with any case other than the present one. It further reveals that the appellant is not involved in any other criminal case/activity during the interim



bail period. She has also produced the custody certificate received from the Senior Superintendent, Circle Jail, Baripada, which reveals that appellant has undergone custody of 11 years and 6 months 18 days. The report further indicates that the appellant's conduct in jail and his behaviour towards co-inmates and the jail staff have been found to be normal and satisfactory. The reports are taken on record.

6. Learned counsel for the appellant-petitioner submits that the appellant is in judicial custody for more than eleven years. It is further submitted that vide order dated 23.07.2025 in I.A. No.544 of 2023, the appellant was granted interim bail for a period of three months and, after availing of the said interim bail, he surrendered before the concerned court within the stipulated period without violating any of the terms and conditions of the interim bail order. Learned counsel further submits that, as there is no likelihood of the appeal being taken up for hearing in the near future, the bail application of the appellant may be favourably considered.

7. We have taken into consideration the submission made by both the counsels at the Bar and perused the materials available on record. At this stage, we do not want to delve upon the merits of the



case, however taking into consideration the fact that the appellant has remained in custody since 2015, thereby undergone incarceration for more than eleven years, and that the present appeal remained pending since 2018 and the fact that the appellant has not mis-utilised the liberty while on interim bail and absence of any chance of hearing of the appeal in the near future, we deem it appropriate to consider his prayer for bail. Keeping in view the principles laid down by this Court in ***Leti @ Jayadeb Roy and another Vrs. The State reported in (1990) 3 Orissa Criminal Reports 427***, wherein it has been held that the mandate of Article 21 of the Constitution of India requires a liberal approach in considering the prayer for bail of convicts whose appeals remain pending for long periods on account of non-disposal, and that in ordinary cases such convicts may initially be enlarged on bail for a temporary period of three months to assess their conduct, subject, however, to denial of such benefit in exceptional cases having regard to the nature of the offence, antecedents of the convict or other special reasons, each case being decided on its own facts and circumstances. It was held thus:-

“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 grounds to believe that his release on bail may not be safe, he too may be denied the protective shield of Art. 21.”

Keeping in view the aforesaid principles, the prolonged period of incarceration, the pendency of the appeal since 2018 and the satisfactory jail conduct of



the appellant, we are inclined to release the convict-appellant on bail.

8. Let the appellant-Ananda Naik be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000/- (rupees fifty thousand) with one local solvent surety for the like amount to the satisfaction of the learned trial Court, subject to the condition that while on bail the appellant-petitioner shall not indulge in any criminal activities in any manner and any other condition to be imposed by the learned trial court as deem fit and proper in the facts and circumstances of the case.

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

9. Accordingly, the I.A. is disposed of.

Issue urgent certified copy of this order as per rules.

(Manash Ranjan Pathak)
Judge

(Sibo Sankar Mishra)
Judge