



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.117 of 2015

Batakrushna Kanhar

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

Represented by Adv.-

Mr. Satya Narayan Mishra (4), Advocate

-Versus-

State of Odisha

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

Represented by Adv.

Mr. Partha Sarathi Nayak, AGA

CORAM:

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

AND

HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

ORDER

01.07.2026

(Hybrid mode)

I.A. No.1617 of 2024

Order No.

- 05.**
- 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 under Section 302 of the I.P.C. and sentenced to undergo imprisonment for life and to pay a fine of Rs.10,000/- (rupees ten thousand), in default to undergo R.I. for a period of two months for the offence under Section 302 of I.P.C. by the learned Additional



Sessions Judge, Phulbani in Sessions Trial No.10 of 2014(T).

4. Vide order dated 25.03.2026, learned counsel for the State was directed to obtain instruction regarding the criminal antecedent, custody certificate and jail conduct of the appellant-petitioner. Pursuant thereto, learned counsel for the State produced a report received from the I.I.C., Phiringia P.S. dated 01.07.2026, which indicates that the appellant has no criminal antecedent. He has also produced the custody certificate received from the Senior Superintendent, Circle Jail, Phulbani, which shows the appellant has already undergone custody of 11 years 9 months and 27 days. The jail conduct of the appellant is satisfactory. The reports are taken on record.

5. We have taken into consideration the submission made by both the counsels at the Bar and perused the evidences 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 21.08.2015, thereby undergone incarceration for almost eleven years, and that the present appeal remained pending since 2015 with no likelihood of its being heard in the near future, coupled with the



satisfactory conduct of the appellant in jail, we deem it appropriate to consider his prayer for interim 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 2015 and the satisfactory jail conduct of the appellant, we are inclined to release the convict-appellant on interim bail for a period of three months from the date of his actual release. The appellant shall surrender before the learned trial Court on expiry of three months period.

6. For the above period, let the convict-appellant be released on interim 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 condition that while on interim 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 interim bail.

7. The I.I.C., Phiringia P.S. shall furnish a report regarding the conduct of the appellant during the interregnum period of interim bail.

8. 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

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06. **1.** List this matter after three months.



2. Learned counsel for the appellant shall file the Surrender Certificate of the appellant on the next date.

(Manash Ranjan Pathak)
Judge

(Sibo Sankar Mishra)
Judge

Swarna