



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLA No. 502 of 2018

Punarjibita Digal

.....

Appellant

Mr. S.G. Das, Advocate

-versus-

State of Odisha

.....

Respondent

Mr. A.K. Pati, ASC

CORAM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

31.10.2025

Order No.11

I.A. No. 2363 of 2025

1. This matter is taken up through hybrid mode.
2. Pursuant to order dtd.17.10.2025, learned Addl. Standing Counsel produced the instruction provided by the DSP I/C, Phiringia P.S. vide letter dtd.31.10.2025 in Court. The same be kept in record.
3. Heard learned counsel appearing for the Parties.
4. This application has been filed by the Appellant seeking grant of bail by keeping the sentence under suspension.
5. It is contended that Petitioner has been convicted to undergo R.I. for 15 years and fine of Rs.20,000/- in default R.I. for 2 years for the offence U/s. 376(2)(f)(i) of the I.P.C..
 - 5.1. It is contended that Appellant is in custody since 01.05.2015 and save and except the interim bail allowed for a period of 45 days vide order dtd.16.08.2021, Petitioner is in custody all through.
 - 5.2. It is also contended that excluding the period of interim bail so granted, Appellant has already undergone more than 10 years



of substantive sentence in the meantime. It is also contended that the victim in the meantime has got married and there is nobody to look after the ailing parents of the Appellant after the death of his elder brother during Covid.

5.3. It is contended that since Petitioner has already undergone more than 10 years of the substantive sentence out of 15 years so imposed, and there is no likelihood that the appeal will be heard within a reasonable time, the Appellant be released on bail by keeping the sentence under suspension on such terms and condition as deem fit and proper.

6. Learned Addl. Standing Counsel on the other hand taking into account the nature of offence and the period of sentence imposed, contended that Appellant is not entitled to get the benefit of bail. It is also contended that since the victim was a minor at the relevant point of time, and the appellant was found guilty, but taking into account the sentence imposed for the offence under Sec. 376(2)(f)(i), no separate sentence was imposed for the offence under Sec. 6 of the POCSO Act. It is accordingly contended that Petitioner is not eligible to get the benefit as prayed for. However, basing on the instruction provided by the concerned police station, it is contended that the victim has got married in the meantime and she is staying at Madhya Pradesh along with her husband.

7. Having heard learned counsel appearing for the Parties, considering the submissions made and the fact that Petitioner has already undergone more than 10 years of substantive sentence out of 15 years and he has not mis-utilized the liberty granted by this Court in its order dtd.15.08.2021 and the fact



that there is no likelihood for disposal of the appeal within a reasonable time, this Court is inclined to direct for release of the Appellant-Petitioner on bail on such terms and condition as deem fit and proper by the court in seisin.

8. I.A. accordingly stands disposed of.

(BIRAJA PRASANNA SATAPATHY)
Judge

12. CRLA No. 502 of 2018

1. Heard.

2. Registry is directed to prepare the paper book and list this matter for hearing on 5th December, 2025.

(BIRAJA PRASANNA SATAPATHY)
Judge

Sneha