



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLA No.605 of 2024

***Akhaya Kumar Nayak @
Maina Baba***

.....

Appellant

Represented By Adv. -
Ashesh Kumar Prusty

-versus-

State Of Odisha

.....

Respondent

Represented By Adv. –
Mr.U.C.Jena, ASC

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA
ORDER
23.09.2025

Order No.
06.

I.A.NO.2600 OF 2025

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is an application for grant of interim bail.
3. Heard learned counsel for the Appellant-Petitioner as well as the learned Additional Standing Counsel for the State-Respondent.
4. Learned counsel for the Appellant-Petitioner at the outset contended that the Appellant-Petitioner is languishing in custody for more than six years. He further submitted that in the meantime, the present appeal has been filed challenging the judgment of conviction and sentence passed by the learned Ad hoc Additional District & Sessions Judge FTSC (POCSO), Jagatsinghpur in Special G.R.Case No.18 of 2016 arising out of Tritol P.S.Case



No.252 of 2016. By virtue of the judgment dated 20.01.2024 the Appellant-Petitioner has been convicted and sentenced to undergo R.I. for 20 years and to pay a fine of Rs.20,000/- in default to undergo R.I. for six months for commission of the offence under section 376-D of the Indian Penal Code.

5. Learned counsel for the Appellant-Petitioner submitted that the Appellant-Petitioner at the moment is ailing and under treatment in the jail. Accordingly, a report was called for from the District Jail, Jagatsinghpur.

6. Learned Additional Standing Counsel for the State produced a report of the Jail Medical Officer, District Jail, Jagatsinghpur. On perusal of the report, it appears that Jail medical Officer has opined that the Petitioner is a known case of Type-2 Diabetes Melitus with Diabetic peripheral Neuropathy with co-morbidity of Bronchial Asthma. It has also been stated that his vitals are found to be stable and he is suffering from ILI (Influenza like Infection). On such ground, learned counsel for the Petitioner be released on interim bail so that he can be taken care by his family members.

7. Learned Additional Standing Counsel for the Respondent objected to the release of the Appellant-Petitioner on interim bail on the ground that although the Appellant-Petitioner is suffering, he is being taken care of by the Jail Medical Officer.

8. Having heard learned counsels for the respective parties, on careful examination of the submissions made by



the learned counsel for the parties, further keeping in view the report furnished by the Jail Medical officer, Jagatsinghpur, this Court is inclined to release the Appellant-Petitioner on interim bail for a period of four weeks from the date of his release from custody by the learned trial court on such terms and conditions as the learned trial court may deem just and proper in the facts and circumstances of the case. It is also directed that the Appellant-Petitioner shall not misuse the liberty while on interim bail and on expiry of interim bail period he shall surrender on or before the due date. Such interim bail period shall be counted from the date of release of the Appellant-Petitioner from jail custody. Violation of any of the conditions shall entail cancellation of the interim bail.

6. List CRLA No.605 of 2024 in the week commencing from 10th November, 2025.

(A.K. Mohapatra)
Judge

RKS

Signature Not Verified

Digitally Signed
Signed by: RAMESH KUMAR SINGH
Reason: Authentication
Location: High Court of Orissa
Date: 24-Sep-2025 17:12:33

