



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.616 of 2018

1. Bindu Bag

..... Appellants/Petitioners

**2. Premananda @ Paramananda
Dandsena**

*Mr. Jagabandhu Sahu,
Advocate for appellant
no.1*

-versus-

State of Odisha

..... Respondent/Opp. Party

*Mr. P.B. Tripathy,
Addl. Standing Counsel*

CORAM:

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

THE HON'BLE MR. JUSTICE CHITTARANJAN DASH

Order No.

**ORDER
29.10.2024**

I.A. No.2560 of 2024

08. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

This is an application under Section 389 of Cr.P.C. filed by the appellant no.1 Bindu Bag for grant of bail.

Heard.

The appellant no.1-petitioner has been convicted under sections 302/201/34 of the Indian Penal Code and sentenced to undergo imprisonment for life and to pay a fine of Rs.5,000/- (rupees five thousand), in



default, to further undergo R.I. for a period of one year for the offence under section 302 of the Indian Penal Code and R.I. for a period of two years and to pay a fine of Rs.2,000/- (rupees two thousand), in default, to further undergo R.I. for a period of three months for the offence under section 201 of the Indian Penal Code and both the sentences were directed to run concurrently by the learned Additional Sessions Judge, Padampur in C.T. Case No.53 of 2015.

Perused the impugned judgment.

Learned counsel for the petitioner submitted that the petitioner is a lady and she is in judicial custody for more than nine years as per the custody certificate furnished by the Superintendent, Sub-Jail, Padampur. Learned counsel further submitted that identically situated accused, who is appellant no.2 in this criminal appeal, namely, Premananda @ Paramananda Dandsena has been directed to be released on bail by this Court vide order dated 12.07.2023 in I.A. No.1517 of 2018 and since there is no chance of early hearing of appeal in the near future and paper book has not been prepared, the bail application of the petitioner may be favourably considered.

Learned counsel for the State opposed the prayer for bail and placed the evidence of P.W.1, the eye witness to the occurrence so also the evidence of the



doctor (P.W.13), who not only noticed the cut injury on the left side of chin and also opined that the cause of death of the deceased Kashyapa Bag was due to asphyxia and on account of homicidal hanging.

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 the fact that she is a lady, absence of any chance of early hearing of the appeal in the near future 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 Paikmal police station regarding the conduct of the petitioner while on interim bail.

The I.A. is disposed of accordingly.

(S.K. Sahoo)
Judge

(Chittaranjan Dash)
Judge

CRLA No.616 of 2018

09. List this matter in the week commencing from 10.02.2025. Learned counsel for the appellant no.1 shall produce the surrender certificate of the appellant



no.1 Bindu Bag on the next date.

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

(S.K. Sahoo)
Judge

(Chittaranjan Dash)
Judge

RKM