



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No. 570 of 2026

***Rasabehari Mohanty@
Rashbihari Mohanty***

.... ***Appellant***
Mr. Sudipto Panda, Advocate

-versus-

State of Orissa (Vigilance)

.... ***Respondent***
Mr. Sanjay Kumar Das, SC (Vig.)

CORAM:

HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

08.07.2026

Order No.

(Through hybrid Mode)

01. 1. Heard.
2. By judgment and order dated 29.06.2026 of the learned Special Judge, (Vigilance), Cuttack in T.R. No. 56 of 2015 (106/2015) arising out of Cuttack Vigilance P.S. Case No. 56 of 2014, the Appellant has been convicted under Section 7 and 13 (2) of the Prevention of Corruption Act, 1988 (in short 'P.C. Act') for committing the offence defined under Sections 13 (1) (d) (i) and (ii) of the P.C. Act and sentenced to undergo R.I. for four years and to pay a fine of Rs.5,000/- and in default to undergo R.I. for six months for the offences under Section 7 of the P.C. Act, 1988 with no separate sentence being imposed for the offence under Section 13 (2) of the P.C. Act as per requirements of Section 71 of the IPC and decision of the



Supreme Court in the case of ***State Represented by Inspector of Police, Pudukottai, T.N. vrs. A Parthiban: (2006) 11 SCC 473.***

Pre-conviction detention period has been directed to be set off under Section 428 of Cr.P.C.

3. Admit.
4. Call for the scanned copy of the Trial Court Records.
5. List this case on 14.12.2026.
6. Mr. Sanjay Kumar Das, learned Standing Counsel for the Vigilance Department undertakes to file appearance memo, within a period of 10 days.

I.A. No. 1685 of 2026

7. This is an application under Section 389 (1) of Cr.P.C./ under Section 430 (1) of the BNSS read with Ch. VI, Rule 27-A, Orissa High Court Rules. 1948 for grant of bail during pendency of the appeal.

8. It is stated by the learned counsel for the Appellant and also mentioned in the I.A. that the Appellant had remained in custody for 14 days during investigation and thereafter was released on bail. He was on bail all through trial and had never misused the liberty granted to him.

9. Mr. S.Panda, learned counsel for the Appellant submits that the Appellant is suffering from Cancer and has undergone



surgery for squamous cell carcinoma-left lateral tongue and floor of mouth and was discharged on 10.06.2026 after which he has been taken into custody on 29.06.2026 on the date of pronouncement of judgment and has been in custody since then.

10. Considering the submissions of the learned counsel for the Appellant, the application is allowed.

11. It is directed that on the Appellant-Rasabehari Mohanty @ Rashbihari Mohanty, shall be released on bail on such terms and conditions as may be fixed by the learned trial Court, during pendency of the Criminal Appeal.

12. This I.A. is disposed of.

I.A. No. 1682 of 2026

13. This I.A. has been filed for staying realization of the fine amount.

14. Mr. S.Panda, learned counsel for the Appellant submits that the Appellant is suffering from Cancer and has to spend a huge amount for his medical expenses for which the realization of fine amount may be stayed.

15. Mr. Sanjay Kumar Das, learned Standing Counsel for the Vigilance Department submits that although hearing on the question of sentence was taken up on 29.06.2026, nothing has been stated before the learned Court below that the Appellant



being treated for Cancer. He therefore submits that it is the discretion of the Court whether to stay realization of the fine amount or not.

16. Considering the submissions of learned counsel and believing the submission that the Appellant is suffering from Cancer, it is directed that the realisation of the fine amount shall remain stayed during pendency of the appeal.

17. The I.A. is disposed of.

18. Urgent certified copy of this order be granted on proper application.

(Savitri Ratho)
Judge

puspa