



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.778 of 2026

CNR No. ODHC010640122026

(1) Kamala Behera **Appellant(s)**
(2) Kailash Behera
(3) Laxmi Behera

Mr. Arun Kumar Das, Advocate

-versus-

State of Odisha **Respondent(s)**

Mr. Aurobinda Mohanty, ASC

CORAM: JUSTICE SIBO SANKAR MISHRA

ORDER

03.09.2026

Order No.

- 01.**
1. Heard.
 2. Admit.
 3. Call for the trial Court records.
 4. List this matter after receipt of the TCR.

(S.S. Mishra)
Judge

I.A. No.2139 of 2026

Order No.

- 02.**
1. This is an application for bail.
 2. Heard.
 3. The appellants have been convicted for the offences under Sections 363/366/368/109/323/506/34 of the IPC and Section 10/11 of Prohibition of Child Marriage Act. The appellant Nos.1 and 3 were sentenced to undergo R.I.



for three months each for the offence under Section 323/34 of I.P.C., to undergo R.I. for six months each and to pay a fine of Rs.5,000/- (rupees five thousand) each, in default to undergo R.I. for one month each for the offence under Section 10 of the PCM Act and the appellant No.2 was sentenced to undergo R.I. for six months and to pay a fine of Rs.5,000/- (rupees five thousand), in default to undergo R.I. for one month for the offence under Section 10 of the PCM Act by the learned Special Judge under the POCSO Act, Nayagarh in T.R. Case No.204 of 2022.

4. From the impugned judgment, it appears that appellant Nos.1 and 3 were taken into custody on 02.09.2022 and were enlarged on bail on the same day, whereas appellant No.2 was taken into custody on 26.10.2021 and was enlarged on bail on 29.10.2021 during the course of trial. After pronouncement of the judgment on 25.07.2026, all the appellants have remained in custody.

5. Learned counsel for the appellants submits that as there is no likelihood of the appeal being taken up for hearing in the near future, the appellants may be directed to be released on bail pending disposal of the appeal.

6. Learned counsel for the State opposes the prayer for bail.



7. Considering the submissions made by the learned counsel for the respective parties, the nature of evidence adduced by the prosecution during trial, the sentence imposed by the learned trial Court and since there is very remote chance of early hearing of the appeal, I am inclined to release the appellants on bail. The sentence so imposed by the learned trial Court against the appellants shall remain suspended during pendency of the appeal.

8. Let the appellants be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000/- (rupees fifty thousand) each with one local solvent surety each for the like amount to the satisfaction of the learned trial Court, subject to the condition that while on bail the appellants 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 bail.

9. The I.A. is disposed of.

(S.S. Mishra)
Judge

I.A. No.2140 of 2026

Order No.
03.

1. This is an application for stay of realization of fine.



2. Heard.

3. Considering the submissions made by the learned counsel for the parties, let there be stay of realization of fine amount imposed by the learned trial Court on the appellant-petitioner pending disposal of the Criminal Appeal.

4. The I.A. is disposed of.

(S.S. Mishra)
Judge

Swarna