



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.1070 of 2025

(1) Raghunath Maharana **Appellant(s)**
(2) Kalu Charan Maharana

Represented by Adv.—
Mr. Janmejaya Katikia, Advocate

-Versus-

State of Odisha **Respondent(s)**

Represented by Adv.
Ms. Suvalaxmi Devi, ASC

CORAM:

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

AND

HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

ORDER

16.03.2026

(Hybrid mode)

I.A. No.2558 of 2025

Order No.

- 05.**
- 1.** This is an application for bail moved on behalf of the appellants.
 - 2.** Heard learned counsel for the parties.
 - 3.** The appellants-petitioners have been convicted under Sections 364-A/34 of the I.P.C. and sentenced to undergo rigorous imprisonment for life and to pay a fine of Rs.10,000/- (rupees ten thousand) each, in default to undergo R.I. for a period of one year for the offence under Sections 364-A/34 of I.P.C. by the learned 3rd Additional District & Sessions Judge, Bhubaneswar in Crl. Trial No.183 of 2016 arising out of Airfield P.S. Case No.126 of 2015.



4. The prosecution case, in brief, is that the victim, who is the son of the informant, was returning from C.V. Raman College along with his friend, namely Raja Manas Moharana. While they were on their way, near Pokhariput Petrol Pump, the accused persons, with the assistance of some other associates, intercepted their vehicle. Thereafter, the accused persons allegedly abducted the victim at knife point after threatening him, leaving his friend alone at the spot. Subsequently, the friend of the victim informed the informant, i.e., the father of the victim, over phone that some persons had abducted the victim. Upon receiving such information, the informant immediately disseminated the same to his relatives in the hope that they might come to the rescue of the victim. Accordingly, the relatives of the victim assembled and made earnest efforts to trace him. However, as their attempts proved futile, the informant lodged the F.I.R. at the concerned police station. In the meantime, the accused persons allegedly contacted the brother of the victim over phone and demanded a sum of Rs.10 lakhs as ransom for the release of the victim. Hence, this case.

5. Mr. Katakia, learned counsel for the appellants submits that after the conviction, the appellants were taken into custody and their custody is being continued. The present application has been moved seeking suspension of sentence. Mr. Katakia, learned counsel for the appellants has argued that there was a financial dealing between P.W.4 and the appellant No.1-Raghunath Maharana. Since P.W.4 was not returning the due amount, the evidence reveals that the accused persons have forcibly attempted



to extract the said amount, which cannot be treated to be ransom as construed by the learned trial Court to attract the offence under Section 364-A of I.P.C. Therefore, the entire judgment is premised on the wrong appreciation of evidence and the law applicable in that regard.

6. To substantiate his contention, Mr. Katakia, learned counsel for the appellants by placing reliance upon paragraph-12 of the judgment of the Hon'ble Supreme Court in the case of ***Shaik Ahmed vrs. State of Telangana*** reported in (2021) 9 SCC 59, submits that the essential ingredients required to attract the offence under Section 364-A of I.P.C. are not satisfied in the present case, even if the prosecution version is taken at its face value. For the sake of ready reference, paragraph-12 of the said judgment is reproduced hereunder:-

"12. We may now look into Section 364-A to find out as to what ingredients the section itself contemplate for the offence. When we paraphrase Section 364-A following is deciphered:

(i) "Whoever kidnaps or abducts any person or keeps a person in detention after such kidnapping or abduction"

(ii) "and threatens to cause death or hurt to such person, or by his conduct gives rise to a reasonable apprehension that such person may be put to death or hurt,

(iii) or causes hurt or death to such person in order to compel the Government or any foreign State or international inter-governmental organisation or any other person to do or abstain from doing any act or to pay a ransom"



(iv) "shall be punishable with death, or imprisonment for life, and shall also be liable to fine."

The first essential condition as incorporated in Section 364-A is "whoever kidnaps or abducts any person or keeps a person in detention after such kidnapping or abduction". The second condition begins with conjunction "and". The second condition has also two parts i.e. (a) threatens to cause death or hurt to such person or (b) by his conduct gives rise to a reasonable apprehension that such person may be put to death or hurt. Either part of above condition, if fulfilled, shall fulfil the second condition for offence. The third condition begins with the word "or" i.e. or causes hurt or death to such person in order to compel the Government or any foreign State or international inter-governmental organisation or any other person to do or abstain from doing any act or to pay a ransom. Third condition begins with the words "or causes hurt or death to such person in order to compel the Government or any foreign State to do or abstain from doing any act or to pay a ransom". Section 364-A contains a heading "Kidnapping for ransom, etc." The kidnapping by a person to demand ransom is fully covered by Section 364-A."

7. Ms. Suvalaxmi Devi, learned Additional Standing Counsel for the State has vehemently opposed the bail plea made by the appellants on the ground that there are two eye witnesses those who have deposed against the appellants and their testimony stood corroborated with the documentary evidence in the form of different exhibits.



8. P.W.4 is the victim in the present case. He in his deposition has stated as under:-

“1. I know the informant Bairagi Barik, who is my father. The occurrence took place on dtd.01.06.2015. On the relevant period I was working as Auditor of B.Panda & co at Kalpana Square, Bhubaneswar. On the day of occurrence while I along with my friend Raja Manas Ranjan Maharana were returning to our respective house by bike after completion of Audit at C.V.Raman College, near the Pokhariput Pertol Pump at Kargil Road, accused Raghunath Moharana along with his brother Kalu Charana Moharana intercepted our motor cycle (the witness identified the accused Raghunath Moharana correctly). Thereafter they had taken me by their bike at the point of bhujali They kept me inside a house at Dumduma Area for whole night and assaulted me.

02. On the next day morning both had taken me towards Jatni, Harirajpur and threatened me. Accused Raghunath Moharana demanded to my family member over phone for giving him Rs.7 lakhs else they would kill me.”

The said witness (P.W.4) in paragraph-26 of his cross-examination has stated as under:-

“26. It is not a fact that I had taken Rs.5 lakhs from the accused Raghunath Moharana as friendly loan; and that as he demanded the aforesaid money to me I had issued two number of post dated cheque bearing number 852443 amounting Rs.3 lakh and 50 thousand and post dated cheque bearing number 852444 amounting Rs. 1 lakh and 50 thousand to the accused persons; and that as one of the aforesaid cheque was dishonoured by the bank; and that as the accused Raghunath



Moharana demanded the aforesaid loan amount from me, I foisted this false case against the accused persons; and that the accused persons have never kidnapped me; and that they had never assaulted me; and that they never demanded money worth of Rs.5 lakhs to my family member.

This witness has not attributed any overt act in specific terms against the appellant No.2- Kalu Charana Moharana. He has also failed to identify the appellant No.2. To the Court question he answered as under:-

“To court

Question: *Can you identify Kalu Charana Moharana in the event of his production before you?*

Answer: *Yes.*

(Court instructed the witness to have a glance around the length and breadth of the court hall and to answer whether Kalu Charana Moharan was present but after thoroughly witnessing the court hall, the witness answered that Kalu Charana Moharana is not present inside the court hall). ”

9. P.W.5 is the eye witness to the occurrence. He has deposed as under:-

“02. On 01.06.2015, I was working as Auditor in the B Panda & Company. The victim was also working with me during that period. On the said day at about 4 PM to 5 PM, I along with the victim Rabindra Barik returned from the C.V.Raman Engineering College, Bhubaneswar after audit inspection in the bike of Rabindra. Near petrol pump, kargil road, Pokhariput the accused Raghunath Maharana stopped our bike by



keeping his bike in front of our bike. He asked the victim to come with him and also told him to intimate his brother to give him the money. Accordingly the victim telephoned his elder brother. His elder brother also talked with Raghunath Maharana. At that time, two other persons reached there in a bike. One of them sat on the bike of Rabindra and told him to sit on his bike. Raghunath and his associates threatened me to leave when I opposed to them.”

This witness has also not attributed any specific overt act against the appellant No.2.

P.W.7 is the I.O. of the case, who in his cross-examination has stated as under:-

“13. It is a fact that the accused was stated before me during his examination that he had landed some money to the victim. Rabindra Kumar Barik. My investigation does not reveal if at all any cheque was issued by Rabindra Kumar Barik to the accused Raghunath Moharana against that amount of money.”

10. The appellant No.1-Raghunath Maharana examined himself as D.W.1. He in his testimony has deposed that Biswanath Barik had taken some money from him and he had issued two numbers of cheques to liquidate his liability. Biswanath Barik sent Rabindra Barik to his house to seek some more time for making good the payment towards the cheque. He has requested Rabindra to call his brother and all of them went to the police station. The police instructed him to put signature in a compromise so as to settle the dispute. But, surprisingly, the police after making him wait till evening forwarded him to Court by implicating him in the



false case. He has also exhibited the cheques issued by Biswanath Barik being Ext.A-DW1 and Ext.B-DW1. Ext.A/1-DW1 and Ext.B/1-DW1 are the signatures of Biswanath Barik.

11. From the evidence of the victim (P.W.4), eye witness (P.W.5) and the I.O. (P.W.7) besides the evidence of D.W.1 makes it clear that there was some financial dealing between the accused persons and P.W.4. Biswanath Barik, the brother of P.W.4 had issued two cheques, which appears to have not been honoured. That dispute led to the abduction of P.W.4. Therefore, the argument of Mr. Katakia, learned counsel for the appellants at this stage appears to be convincing for the purpose of grant of bail to the extent that the ingredient of Section 364-A of I.P.C. is not satisfied in the present case even if the evidence of the prosecution is taken at its face value. For the purpose of deciding the bail application, we need not venture into appreciating the evidence in detail.

12. Regard being had to the nature of evidence, the period of custody and the fact that since there is no chance of the appeal being heard in near future, we are inclined to release the appellants-petitioners on bail.

13. At this stage, Ms. Suvalaxmi Devi, learned counsel for the State submits that the appellants may harm the informant and other witnesses due to the prevailing hostility owing to the financial transaction. Therefore, she prays for stringent condition to be imposed.



14. Let the appellants be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000/-(rupees fifty thousand) each with two local solvent sureties each for the like amount to the satisfaction of the learned trial Court, subject to the further condition that while on bail the appellants-petitioners shall not indulge in any criminal activities in any manner. To alay the apprehension of learned counsel for the State, it is directed that the appellants shall report to the concerned Police Station being physically present on last Sunday of every month between 10.00 A.M. to 1.00 P.M. and any other conditions to be imposed by the learned trial Court if deem fit and proper.

Violation of any of the conditions shall entail cancellation of interim bail.

15. Accordingly, the I.A. is disposed of.

Issue urgent certified copy of this order as per rules.

(Manash Ranjan Pathak)
Judge

(Sibo Sankar Mishra)
Judge

I.A. No.2556 of 2025

Order No.

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| 06. | 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 3rd Additional District & Sessions Judge, Bhubaneswar in Crl. Trial No.183 of 2016 on the appellant-petitioner pending disposal of the Criminal Appeal.

4. The I.A. is disposed of.

(Manash Ranjan Pathak)
Judge

(Sibo Sankar Mishra)
Judge

Swarna

Signature Not Verified

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Reason: Authentication
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