



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.1005 of 2023

Dillip Das

..... Appellant/Petitioner

Ms. Rita Singh, Advocate

-versus-

State of Odisha

..... Respondent/Opp. Party

Mr. Rajesh Tripathy

Addl. Standing Counsel

CORAM:

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

THE HON'BLE MR. JUSTICE CHITTARANJAN DASH

ORDER

01.07.2024

Order No.

I.A. No.2677 of 2023

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

This is an application under Section 389 of Cr.P.C. for grant of bail.

Heard.

The appellant-petitioner has been convicted under sections 458/394/506(II)/34 and section 376-D of the Indian Penal Code and sentenced to undergo imprisonment for life and to pay a fine of Rs.10,000/- (rupees ten thousand), in default, to further undergo R.I. for a period of one year for the offence under section 376-D of the Indian Penal Code, R.I. for a period of seven



years and to pay a fine of Rs.3,000/- (rupees three thousand), in default, to further undergo R.I. for a period of six months for the offence under section 458 of the Indian Penal Code, R.I. for a period of seven years and to pay a fine of Rs.3,000/- (rupees three thousand), in default, to further undergo R.I. for a period of six months for the offence under section 394 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 six months for the offence under section 506(II) of the Indian Penal Code and all the sentences were directed to run concurrently by the learned Sessions Judge, Cuttack in S.T. Case No.44 of 2017.

Perused the impugned judgment.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 20.08.2015 and the paper book has not been prepared and there is no chance of early hearing of the appeal in the near future and therefore, the bail application of the petitioner may be favourably considered.

Learned counsel for the State, on the other hand, opposed the prayer for bail and submitted that it is a case of gang rape and the evidence of the victim (P.W.2) is very clinching in that respect and the petitioner has not only been identified in the test identification parade conducted by P.W.10 but also in Court and from the house



of the victim (P.W.2), some articles were stolen during course of occurrence and the stolen article has been recovered from the possession of the petitioner and the same has been identified in the T.I. Parade. Learned counsel also placed the evidence of the doctor (P.W.8), who has stated to have noticed injuries on the private part of the victim and opined that the genital examination of the victim suggested that she was subjected to recent sexual intercourse.

Considering the submissions made by the learned counsel for the respective parties, the nature and gravity of the accusation against the petitioner and the evidence of the victim, we are not inclined to release the petitioner on bail. Accordingly, prayer for bail stands rejected.

I.A. is accordingly disposed of.

(S.K. Sahoo)
Judge

(Chittaranjan Dash)
Judge

I.A. No.1513 of 2024

08. Heard.

There shall be stay of realization of fine amount imposed by the learned trial Court on the appellant-petitioner till disposal of the criminal appeal.



The I.A. is disposed of.

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

(S.K. Sahoo)
Judge

(Chittaranjan Dash)
Judge

RKM