



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLA No. 1118 of 2024

Madan Pradhan

...

Appellant

Mr. N. Panda, Advocate

-versus-

State of Odisha

...

Respondent

Mr. R.B. Mishra, Addl. PP

CORAM:
JUSTICE G. SATAPATHY

ORDER(ORAL)
29.04.2025

Order No.
06.

I.A. No.2545 of 2024

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application by the appellant-petitioner for stay realization of fine.
3. Heard, Mr. Niranjana Panda, learned counsel for the Appellant-Petitioner and Mr. R.B. Mishra, learned Addl. Public Prosecutor in the matter and perused the record including the evidence of witnesses, but none appears for the victim despite having entered appearance through the learned counsel Mr. Amlan Shakti Paul.
4. Realization of fine from the appellant-petitioner under the impugned judgement in Special Case No.06 of 2022 (POCSO Act) of the Court of learned Addl. Sessions Judge-cum-Special Judge, Boudh shall remain stayed till disposal of the appeal.



5. The I.A. is, accordingly, disposed of.

I.A. No.2544 of 2024

6. This is an application U/S.430(1) & (2) of Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, "BNSS") by the appellant-petitioner for grant of bail pending suspension of further execution of his sentence till disposal of the appeal.

7. Heard, Mr. Niranjana Panda, learned counsel for the Appellant and Mr. R.B. Mishra, learned Addl. Public Prosecutor in the matter and perused the record including the evidence of witnesses, but none appears for the victim despite having entered appearance through the learned counsel Mr. Amlan Shakti Paul.

8. In course of hearing, Mr. Niranjana Panda, learned Counsel for the appellant while emphasizing the plea of consent submits that although there is allegation against the appellant for committing rape and penetrative sexual assault upon the victim, but the same has not been established in the standard of proof beyond all reasonable doubt and thereby, the appellant is entitled to bail.

9. It appears from the record that the appellant, who is stated to be aged about 35 years, has been convicted for commission of offences punishable under Sections 376(2)(n)/376(3) of the IPC read with Section 6 of POCSO Act and he is, accordingly, awarded with maximum substantive sentence of Rigorous



Imprisonment for 20 years. The victim in her deposition has stated her date of birth to be 13.07.2007 in the cross-examination elicited by the defence and the date of alleged occurrence is 13.06.2022 and, therefore, the victim appears to be aged about less than 16 years as on the date of alleged commission of offence, which is stated to be established by the prosecution.

10. In view of the aforesaid facts and after having considered the rival submissions and taking into account the grounds of challenge of conviction by the appellant vis-à-vis the impugned judgment and on going through the evidence of the victim, who is stated to be found less than 16 years as on the date of commission of crime, this Court is not inclined to grant bail to the appellant.

Hence, the prayer for bail of the appellant stands rejected.

11. Accordingly, this I.A. stands disposed of.
CRLA No.1118 of 2024

12. Since LCR has already been received, Office is requested to prepare paper books and supply the same to the learned counsel for the parties in accordance with Rules.

13. List this matter on 7th July, 2025.

Signature Not Verified

Digitally Signed
Signed by: JAYAKRUSHNA DASH
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 01-May-2025 11:25:14

(G. Satapathy)
Judge