



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLREV No.453 of 2021

Motilal Gadaba

.....

Petitioner

Mr. A. Mishra, Adv.

-Versus-

State of Orissa

.....

Opposite Party

Mr. G.R. Mohapatra, ASC

CORAM:

DR. JUSTICE S.K. PANIGRAHI

ORDER

24.06.2024

Order No.

06.

I.A. No.180 of 2024

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the Petitioner and learned counsel for the State.
3. The Petitioner being in custody in connection with Jeypore Mahila P.S. Case No.16 of 2013 corresponding to C.T. Case No.46 of 2013 (G.R. Case No.161/2013) pending in the court of learned Assistant Sessions Judge, Special Track Court, Jeypore, District-Koraput for the offences under Sections 376/506 of the Indian Penal Code has filed this application for release on interim bail.



4. Learned counsel for the Petitioner submits that the Petitioner is in custody which is nearly three years. He further submits that the mother of the Petitioner is suffering from severe Chronic Kidney disease and undergoing treatment at Jeypore Hospital. As there is no other male member in the family except his father, who is having no source of income, the presence of the Petitioner is highly needed to take care of his ailing mother. Hence, he submits that the Petitioner may be enlarged on interim bail.

5. Learned counsel for the State vehemently opposed the interim bail prayer of the Petitioner.

6. Be that as it may, considering the health condition of the mother of the Petitioner, this Court is of the view that present of the present Petitioner is very much essential for assisting his ailing mother. Accordingly, this Court directs that the present Petitioner be released on interim bail for a period of three months reckoning from the date of his release on interim bail by the learned court in *seisin* over the matter in the aforesaid case on such terms and conditions as deemed just and



proper by the court in *seisin* over the matter with further conditions that:-

- (i) the Petitioner after the onset of monsoon, shall plant 20 saplings of local variety like mango, neem, tamarind etc. around his village over the Government land/community land/private land, if it is in the possession of the Petitioner or his family members
- (ii) the Petitioner shall not indulge himself in any criminal activities while on interim bail;
- (iii) the Petitioner shall not tamper the evidence of the prosecution evidence in any manner.
- (iv) the Petitioner shall surrender before the court in *seisin* over the matter on or before the exact date of completion of interim bail.

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

7. The I.I.C. of the concerned Police Station in coordination with the local Forest Officer shall monitor; whether the Petitioner has planted the saplings or not.

8. It is further made clear that the Petitioner shall file an affidavit after plantation of the saplings before the local



Police Station assuring that he shall maintain those plants for two years.

9. The District Nursery/D.F.O shall extend the helping hand by supplying the saplings to the Petitioner.

10. The I.A. is accordingly disposed of.

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11. List this matter on 28th October, 2024.

(Dr. S.K. Panigrahi)
Judge

Sumitra

Signature Not Verified

Digitally Signed
Signed by: SUMITRA NAYAK
Designation: Jr. Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 24-Jun-2024 20:20:24

