



IN THE HIGH COURT OF ORISSA AT CUTTACK

JCRLA No. 40 of 2021

Kishan Pingua **Appellant(s)**
Mr. Laxminarayan Rayatsingh, Advocate

-versus-

State of Odisha **Respondent(s)**
Ms. S. Moharana, ASC

CORAM:
THE HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

Order No.
27.07.2026
I.A. No. 294 of 2025

07. **1.** This is an application for bail.
- 2.** Heard learned counsel for the appellant and the learned counsel for the State-respondent.
- 3.** The appellant has been convicted under sections 457/379(1) of the Indian Penal Code and was sentenced to undergo rigorous imprisonment for five years and to pay a fine of Rs.3,000/- (rupees three thousand) in default, to undergo R.I. for three months for the offence under Section 457 of IPC and to undergo rigorous imprisonment for ten years and to pay a fine of Rs.10,000/- (rupees ten thousand) in default, to undergo R.I. for six months for the offence under Section 376(1) of IPC and both the sentences shall run concurrently, as directed by the learned Assistant Sessions Judge, Special Track Court, Keonjhar in S.T.



Case No.17/10 of 2020.

4. The custody certificate produced by the learned State Counsel reveals that the convict-appellant has been in custody for six years four months as on 13.03.2026.

5. Learned counsel for the appellant drawing attention of this Court to the evidence of P.W.9, who is the daughter of the victim (P.W.10), submits that in para-5 of her cross examination it is admitted by her that there is dispute between the victim and the mother of the accused before fifteen days of the occurrence. P.W.10 is the victim, who was 60 years of age at the time of occurrence. It is also brought to the notice of the Court to the evidence of P.W.5, the doctor, who examined the victim on the very same day and she deposed that there was no external injury in the body part and gait was normal. On examination of genitalia, there was no perianal tear, posterior commissure, forchette and vestibule were intact. P.W.12, the doctor, who examined the appellant on the very next day, opined that there was no injury on the glans penis and there was no sign or symptom of recent sexual intercourse. He further submits that since there is no chance of early hearing of the appeal in the near future, the appellant may be directed to be released on bail pending disposal of the appeal.



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

7. Regard being had to the nature of evidence and taking into consideration the submission made by the parties, the period of custody and since there is no chance of early hearing of the appeal in the near future, this Court is inclined to enlarge the convict-appellant on bail.

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

9. Violation of any of the terms and conditions shall entail cancellation of the bail.

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

Ashok

**(S.S. Mishra)
Judge**

Signature Not Verified

Digitally Signed
Signed by: ASHOK KUMAR JAGADEB
MOHAPATRA
Reason: Authentication
Location: High Court of Orissa
Date: 28-Jul-2026 18:05:14

