

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.1099 of 2023

Pratap Prusty @ Dhalia **Appellant/
Petitioner**

Mr. S.P. Das, Advocate

-versus-

State of Odisha **Respondent/
Opp. Party**

*Mr. Arupananda Das
Addl. Govt. Advocate*

*Mr. P.S. Das, Advocate for the
informant*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
11.03.2024**

I.A. No.2400 of 2023

Order No.

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

This is an application under section 389(2) of Cr.P.C. for grant of bail.

Heard.

Perused the impugned judgment.

The appellant-petitioner has been convicted for the offences punishable under sections 376-AB/363/323 of the I.P.C. and section 6 of the POCSO Act and sentenced to undergo R.I. for a period of twenty years and to pay a fine of Rs.20,000/-(rupees twenty thousand) and in default, to undergo R.I. for a further period of one year

for the offence under section 6 of the POCSO Act, to undergo R.I. for a period of three years and to pay a fine of Rs.3,000/- (rupees three thousand), in default, to undergo R.I. for a further period of three months for the offence under section 363 of the I.P.C. and to undergo R.I. for a period of one year for the offence under section 323 of the I.P.C. and no separate sentence has been awarded for the offence under section 376-AB of the I.P.C. and all the substantive sentences were directed to run concurrently by the learned Addl. Sessions Judge -cum- Special Judge under POCSO Act, Keonjhar vide judgment and order dated 02.09.2023 passed in Special Case No.378/77 of 2022-2020.

In view of the statement of the victim (P.W.2), who is a minor girl aged about eleven years at the time of occurrence so also the evidence of the doctor (P.W.15) and the manner in which the crime was committed by the appellant, I am not inclined to grant bail to the petitioner.

Accordingly, prayer for bail stands rejected.

The petitioner is at liberty to renew his prayer for bail, if after undergoing half of the substantive sentence imposed by the learned trial Court, the CRLA is not taken up for hearing.

The I.A. stands disposed of.

(S.K. Sahoo)
Judge

(P.T.O.)

I.A. No.2401 of 2023

05. This is an application for stay of realization of fine.
Heard.

Considering the submissions made by the learned counsel for the parties, let there be stay of realization of fine amount imposed on the appellant-petitioner pursuant to the judgment and order dated 02.09.2023 passed by the learned Addl. Sessions Judge -cum- Special Judge under POCSO Act, Keonjhar in Special Case No.378/77 of 2022-2020 pending disposal of the criminal appeal.

The I.A. is disposed of.

Issue urgent certified copy as per Rules.

sipun



Signature Not Verified

Digitally Signed
Signed by: SIPUN BEHERA
Designation: Senior Stenographer
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 12-Mar-2024 11:12:17

