



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLA No.1130 of 2024

Anand Kumar Samal ... **Appellant**
Mr. R.K.Rout, Advocate
-versus-
State of Odisha ... **Respondent**
Mr. S.K.Rout, Addl. PP

CORAM:
JUSTICE G. SATAPATHY

ORDER(ORAL)
04.03.2025

Order No.
03.

I.A No.2822 of 2024

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is essentially an application under Section 430 (1) & (2) of Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, "BNSS") by the appellant-petitioner for grant of bail pending execution of sentence till disposal of the appeal.
3. Heard, Mr. Ranjan Kumar Rout, learned counsel for the appellant and Mr. S.K.Rout, learned Addl. Public Prosecutor in the matter and perused the record including the evidence. This Court, has, however, perused the suicidal note exhibited in evidence.
4. It appears from the record that the appellant has been convicted for commission of offence punishable U/Ss. 306/376 of the IPC and is accordingly sentenced to undergo Rigorous Imprisonment (RI) for ten years with fine of Rs.25,000/- in default whereof, to undergo RI for a



further period of six months for offence U/S. 376 of IPC and to undergo RI for seven years with fine of Rs.25,000/- in default whereof, to undergo RI for a further period of six months for offence U/S. 306 of IPC.

5. It is, however, contended by learned counsel for the appellant-petitioner that although the offence U/S. 306 of IPC is not made out against the appellant-petitioner, but the learned trial Court by relying upon the suicidal note of the deceased has convicted the appellant-petitioner for offence U/Ss. 306/376 of the IPC.

6. In the aforesaid backdrop and circumstance and after having considered the rival submissions as also going through the evidence on record and taking into account the grounds of challenge of the appellant to his conviction, but on consideration of the suicidal note vis-à-vis the evidence on record and keeping in view the conviction of the appellant-petitioner for offence U/Ss. 306/376 of IPC, this Court does not find any reason to suspend the sentence of the appellant-petitioner by directing his release on bail.

7. Accordingly, the petition U/S. 430 (1) & (2) of the BNSS for suspending the sentence of the appellant-petitioner by releasing him on bail stands rejected.

8. IA stands disposed of.

CRLA No. 1130 of 2024

9. Since LCR is already available on record, Office is requested to prepare paper books and supply the same to the learned counsel for the parties in accordance with Rules.



10. List this matter on 05.05.2025 for hearing.

(G. Satapathy)
Judge

kishore