



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.1248 of 2024

***Ganesh Chandra Jena & another* *Appellants/
Petitioners***

Mr. Biswajit Tripathy, Advocate

-versus-

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

*Ms. Suvalaxmi Devi,
Addl. Standing Counsel*

**CORAM:
THE HON'BLE MR. JUSTICE S.K. SAHOO
THE HON'BLE MR. JUSTICE S.S. MISHRA**

**Order No.
29.04.2025**

I.A. No.1155 of 2025

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

This is an application for bail filed by appellant no.2, Pratima Jena.

Heard learned counsel for the appellants and learned counsel for the State.

The appellants-petitioners have been convicted under Sections 302/120(B)/201/34 of the Indian Penal Code and sentenced to undergo R.I. for life each and



to pay a fine of Rs.5,000/- (Rupees five thousand) each, in default, to undergo further R.I. for six months each for the offences under Sections 302/120(B)/34 of the Indian Penal Code, R.I. for seven years each and to pay a fine of Rs.1,000/- (Rupees one thousand) each, in default, to undergo further R.I. for one month for the offence under section 201/34 of the Indian Penal Code and all the sentences were directed to run concurrently by the learned Additional Sessions Judge -cum- P.O., Designated Court under OPID Act, Balasore in S.T. Case No.21/368 of 2023/2022.

Learned counsel for the appellants submits that the appellant no.2 was on bail during the trial and she is having a baby, who is staying with her mother inside the jail. He further submits that the case is based on circumstantial evidence and only the circumstance cited against her is the extra judicial confession of the co-accused, who is none other than her husband.

It is further argued that in view of the available materials on record, there are good chances of success in the appeal and the balance of convenience is in her favour and since there is no likelihood of the appeal being taken up for hearing in the near future, the bail application may be favourably considered.

Learned counsel for the State placed the evidence



of P.W.2, who has stated that the accused Ganesh Chandra Jena made the extra judicial confession implicating himself as well as the appellant, his wife in the crime.

Considering the submissions made by the learned counsel for the respective parties, absence of any direct evidence, nature of circumstantial evidence on record, the fact that the appellant No.2 is a lady and she was on bail during trial and having a baby, who is staying with her inside the jail, we are inclined to release the appellant no.2 on bail.

Let the appellant no.2, Pratima Jena be released on bail pending disposal of the appeal on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with one local solvent surety for the like amount to the satisfaction of the learned trial Court.

The I.A. is accordingly disposed of.

(S.K. Sahoo)
Judge

(S.S. Mishra)
Judge

Signature Not Verified

Subhasis
Digitally Signed
Signed by: SUBHASIS MOHANTY
Designation: Personal Assistant
Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 02-May-2025 14:45:35

