



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.1203 of 2024

***Ganesh Panigrahi @ Tilu* *Appellant/
Petitioner***

*Mr. Milan Kanungo, Senior
Advocate and Mr. Lalatendu
Samantaray, Advocate*

-versus-

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

*Mr. Jateswar Nayak,
Addl. Government Advocate and
Mr. Debi Prasad Dhal, Senior
Advocate along with Mr. Haripad
Mohanty, Advocate for the
informant*

CORAM:

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

ORDER

Order No.

18.08.2025

I.A. No.3023 of 2024

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

This is an application for bail.

Heard Mr. Milan Kanungo, learned Senior Advocate and Mr. Lalatendu Samantaray, learned counsel appearing for the appellant-petitioner, Mr. D.P. Dhal, learned Senior Advocate along with Mr.



Haripad Mohanty, learned counsel appearing for the informant and Mr. Jateswar Nayak, learned counsel appearing for the Respondent- State.

The appellant-Ganesh Panigrahi @ Tilu has been convicted under sections 147/148/302/149 of the Indian Penal Code and under Sections 3 & 4 of the Explosive Substances Act, 1908 and sentenced to undergo imprisonment for life and to pay fine of Rs.10,000/- (Rupees ten thousand), in default, to undergo R.I. for one year for the offences punishable under Sections 302/149 of the Indian Penal Code and to undergo R.I. for six months and to pay fine of Rs.1,000/- (Rupees one thousand), in default, to undergo R.I. for one month for the offence punishable under Section 147 of the Indian Penal Code, to undergo R.I. for six months and to pay fine of Rs.1,000/- (Rupees one thousand), in default, to undergo R.I. for one month for the offence under Section 148 of the Indian Penal Code, to undergo R.I. for ten years and to pay fine of Rs.5,000/- (Rupees five thousand), in default, to suffer R.I. for six months for the offence under Section 3 of the Explosive Substances Act, 1908 and to undergo R.I. for seven years and to pay fine of Rs.5,000/- (Rupees five thousand), in default, to undergo R.I. for six months for the offence under Section 4 of the Explosive



Substances Act, 1908 by the learned Sessions Judge, Ganjam, Berhampur in Sessions Trial No.19 of 2014.

It is argued on behalf of the petitioner that the petitioner was on bail during the trial and there is no allegation of misutilisation of the liberty while on bail. It is further submitted that there are three eye witnesses to the occurrence, i.e., P.W.1, P.W.9 and P.W.15. But none of them have implicated the petitioner in the commission of murder of the deceased Shanti Prasad Mishra, which is stated to have taken on 29.01.2013.

Learned trial Court has also found no material about the criminal conspiracy against the petitioner for which he has been acquitted of the charge under Section 120B of the Indian Penal Code. However, most strangely, the learned trial Court has convicted the petitioner under Sections 302/149 of the Indian Penal Code along with other offences, though there are no such material on record against the petitioner that, he was a member of the unlawful assembly and that the murder was committed in furtherance of the common object and that he was a member of unlawful assembly. He further submits that there are good chances of success in the case and the balance of convenience is in favour of the petitioner, therefore, the bail application may be favourably considered.



Learned counsel for the State has placed evidence of the eye witnesses.

Considering the submissions made by the learned counsel for the respective parties, the fact that the petitioner was on bail during trial and there is no material that he has misutilised his liberty in any manner while on bail and the nature of evidence adduced and the fact that there is no chance of any early hearing of the appeal in the near future, we are inclined to release the petitioner on bail.

Let the appellant-petitioner 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.

Accordingly, the I.A. is disposed of.

Urgent certified copy of this order be granted as per rules.

(S.K. Sahoo)
Judge

(S.S. Mishra)
Judge

Signature Not Verified

Digitally Signed
Signed by: SUBHASIS MOHANTY
Designation: Personal Assistant
Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 18-Aug-2025 19:39:28

