



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No. 1356 of 2024

Babaji Rana

....

Appellant(s)

Mr. M.R. Dash, Advocate

-versus-

State of Odisha

....

Respondent(s)

Mr. Jateswar Naik, AGA

*Mr. D.P. Dhal, Sr. Advocate along with
Mr. Haripad Mohanty, Advocate*

CORAM:

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

THE HON'BLE MR. JUSTICE S. S. MISHRA

ORDER

18.08.2025

I.A. No. 3241 of 2024

Order No.

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

This is an application for bail filed by the appellant-petitioner.

Heard learned counsel for the appellant-petitioner and learned counsel for the State so also learned counsel for the Informant.

The appellant petitioner 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 a fine of Rs.10,000/- (Rupees ten thousand), in



default, to undergo R.I. for one year for the offence under Section 302/149 of I.P.C.; to undergo R.I. for six months and to pay a fine of Rs.1000/- (Rupees one thousand), in default, to suffer R.I. for one months for the offence under section 147 of the Indian Penal Code; to undergo R.I. for six months and to pay a fine of Rs.1000/- (Rupees one thousand), in default, to suffer 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 a fine of Rs.5000/- (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 a fine of Rs.5000/- (Rupees five thousand), in default, to suffer R.I. for six months for the offence under Section 4 of the Explosive Substances Act, 1908, and all the sentences were directed to run concurrently by the learned Sessions Judge, Ganjam, Berhampur in Sessions Trial No. 19 of 2014.

Perused the impugned judgment.

Learned counsel for the appellant-petitioner submits that appellant was on bail during the trial and there is no allegation of misutilization of liberty. All the three eye witnesses, namely P.Ws.1, 9 and 15 have also not implicated him in the assault of the deceased Shanti Prasad Mishra, which took place on 29.01.2013. The appellant though faced trial on being charged under Section 120-B of the IPC, but the learned court below has



acquitted him of such charge. He further submits that there are good chance of success of the appellant and there is no chance of early hearing of the appeal in the near future. Therefore, the bail application of appellant may be favourably considered.

Though the learned counsel for the State has placed on record that there are four criminal antecedents against the appellant/petitioner, but the learned counsel for the appellant has filed an affidavit that the appellant has been acquitted in all those cases.

Mr. D.P. Dhal, learned Senior Advocate appearing for the informant also submits that the eye witnesses are not implicated the appellant in the crime.

Considering the submission made by the respective parties, the fact that the appellant was on bail during the trial, absence of any materials of mis-utilization of liberty while on bail, the period of detention of the appellant in judicial custody and absence of any chance of early hearing of the appeal in the near future, we are inclined to release the appellant on bail.

Let the appellant be released on bail pending disposal of the appeal on furnishing bail bond of Rs.20,000/- (Rupees twenty thousand) with two local solvent sureties for the like amount to the satisfaction of the learned trial Court subject to condition that he shall not indulge in any criminal activities in any manner.

Violation of any of the terms and conditions shall



entail cancellation of the bail.

The I.A. is disposed of accordingly.

Issue urgent certified copy of this order as per rules.

(S.K. Sahoo)
Judge

(S. S. Mishra)
Judge

I.A. No. 3242 of 2024

07.

This is an application for stay of realization of fine.

Heard.

After hearing the learned counsels for both the parties, there shall be stay of realization of fine amount imposed by the learned trial Court on the appellant no.2 till disposal of the criminal appeal.

The I.A. is disposed of.

(S.K. Sahoo)
Judge

(S. S. Mishra)
Judge

Swarna/Ashok

Signature Not Verified

Digitally Signed
Signed by: SWARNAPRAVA DASH
Designation: Senior Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 19-Aug-2025 16:59:31

