



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.742 of 2024

Bhagaban Harijan @ Bagh **Petitioner**

Mr. R.L. Pattnaik, Advocate

-Versus-

State of Odisha **Opposite Party**

Mr. P.K. Ray, AGA

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

25.09.2025

I.A. Nos.1163 and 1164 of 2024

Order No.

07. 1. Heard Mr. Pattnaik, learned counsel for the petitioner and Mr. Ray, learned AGA for the State.
2. Instant I.As. are filed for stay realization of fine amount as has been awarded by the learned Court below and release of the petitioner on bail on the grounds stated.
3. Mr. Pattnaik, learned counsel for the petitioner submits that the petitioner was on bail during trial and pendency of appeal and he is in custody from 30th October, 2024. It is submitted that the petitioner was 19 years old at the time of occurrence and it is a case of elopement with the victim, who by then was minor and considering the same, he should be



allowed to go on bail as an interim measure pending disposal of the revision.

4. Mr. Ray, learned AGA for the State refers to the impugned judgment at Annexure-2 and submits that the petitioner stands convicted for offences under Sections 376 and 363 IPC since the evidence of the victim was claimed to be consistent and inspiring confidence to rely upon.

5. This Court finds that the petitioner has been convicted for the above offences and sentenced to 7 years RI, however, it has been modified by the learned Court below to five years in respect of the offence under Section 376 IPC and for the other offence i.e. 363 IPC with three years RI and fine with default sentence.

6. On a reading of the impugned judgment at Annexure-2, this Court finds that the victim went missing during night of 1st August, 2013 and her family members searched her but it was in vain and ultimately, the family members learnt about the involvement of the petitioner having kidnapped her, at last, leading to the lodging of the report at the local P.S. Considering the circumstances under which the alleged incident took place in the year 2013, without expressing anything on the merits of the case, and since the petitioner has remained in custody from 30th October, 2024, this Court is inclined to direct him to go on bail with conditions and also to stay realization of the fine amount awarded against him.



7. Accordingly, it is ordered.
8. Consequently, this Court stays the realization of fine amount awarded against the petitioner, who is also allowed to go on bail upon furnishing a bail bond of Rs.50,000/- with one solvent surety for the like amount with an undertaking furnished that he shall not cause any harm to the victim and her family members after being released in any manner whatsoever. It is further directed that the learned Assistant Sessions Judge, (STC), Nabarangpur or the Court dealing with the record in C.T. Case No.124 of 2013, shall impose such other suitable conditions as deemed just and proper in the facts of the case
9. I.As. are disposed of.
10. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge

CRLREV No.742 of 2025

- 08.
1. List on 6th November, 2025 for final orders. In the meantime Mr. Ray, learned AGA for the State is requested to collect a soft copy of the LCR from the Registry.

(R.K. Pattanaik)
Judge