



IN THE HIGH COURT OF ORISSA AT CUTTACK

**CRLA No. 1206 of 2022
CNR No. ODHCO10908572022**

Kundu Hembram @ Appellant(s)
Laxman Majhi

Mr. Akhaya Sahoo, Advocate

-versus-

State of Odisha Respondent(s)

Mr. J. Nayak, AGA

**CORAM:
THE HON'BLE MR. JUSTICE SIBO SANKAR MISHRA**

Order No.
17.08.2026

I.A. No. 1570 of 2025

08.

1. This is an application for bail.
2. Heard learned counsel for the appellant and the learned counsel for the State.
3. The sole appellant has been convicted under section 376(1) of IPC and was sentenced to undergo rigorous imprisonment for ten years and to pay a fine of Rs.30,000/- (rupees thirty thousand), in default to undergo R.I. for two years for the offence under Section 376(1) of IPC, as directed by the learned Adhoc Addl. Sessions Judge (FTSC) under POCSO Act, Baripada in S.T. Case No. 69 of 2017.
4. Pursuant to the order dated 29.07.2026, the Senior



Superintendent, Circle Jail, Baripada has placed on record the custody certificate of the appellant which indicates that the appellant has already undergone actual sentence of eight years three months twenty eight days without remission out of ten years awarded sentence. The jail conduct of the appellant is also stated to be satisfactory. Further, the IIC, Baisinga P.S. has also placed on record the report dated 02.08.2026 indicating therein that the appellant is not involved in any other case, except the present one. The reports are taken on record.

5. On the basis of the aforementioned report, learned counsel appearing for the appellant submits that the appeal has been pending since 2022 and there is no chance that the appeal being heard in the near future and the appellant has already undergone measure part of the sentence. Hence, the sentence so imposed by the learned trial court may be suspended till disposal of the appeal.

6. The learned State Counsel by drawing the attention of this Court on the merits of the case, opposed the prayer for bail.

7. At this stage, this Court is not inclined to enter into the merits of the case. However, regard being had to the period of custody and the fact that there is no scope of the appeal being heard in the near future, pending appeal, the sentence is liable to be suspended.



8. Accordingly, the appellant be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000/- (rupees fifty thousand) with one local solvent surety for the like amount to the satisfaction of the learned trial Court, subject to condition that while on bail the appellant shall not indulge in any criminal activities in any manner and any other condition to be imposed by the learned trial court as deemed fit and proper in the facts and circumstances of the case.

9. Violation of any of the terms and conditions shall entail cancellation of the bail.

10. With this observation, the I.A. is disposed of.

**(S.S. Mishra)
Judge**

I.A. No. 2329 of 2022

- 09.
1. This is an application for stay realization of fine.
 2. Heard.
 3. Considering the submissions made by the learned counsel for the parties, let there be stay of realization of fine amount imposed by the learned trial Court on the appellant-petitioner pending disposal of the Criminal Appeal.
 4. The I.A. is disposed of.

Signature Not Verified

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Signed by: ASHOK KUMAR JAGADEB
MOHAPATRA
Reason: Authentication
Location: High Court of Orissa
Date: 17-Aug-2026 20:32:29



**(S.S. Mishra)
Judge**