

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.1244 of 2023

***Siba @ Sibaram Naik* *Appellant/
Petitioner***

Mr.M.K. Chand, Advocate

-versus-

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

*Mr. Rajesh Tripathy
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
11.03.2024
I.A. No. 2772 of 2023**

Order No.

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

This is an application for bail.

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

The appellant-petitioner Siba @ Sibaram Naik along with others has been convicted under sections 376D/395 of the Indian Penal Code and sentenced to undergo R.I. for a period of twenty years and to pay a fine of Rs.10,000/- (rupees ten thousand), in default, to undergo R.I. for a period of six months for the offence under section 376D of the Indian Penal Code and to undergo R.I. for a period of ten years and to pay a fine of Rs.5,000/- (rupees five thousand), in default, to undergo

R.I. for a period of three months for the offence under section 395 of the Indian Penal Code and both the sentences were directed to run concurrently by the learned Addl. Sessions Judge -cum- Special Judge, Aska in G.R. Case No. 08 of 2017 (Sp.Act).

Learned counsel for the petitioner submitted that the petitioner has already undergone more than six years of sentence and there is no chance of early hearing of appeal in the near future and therefore, the bail application of the petitioner may be favourably considered.

Learned counsel for the State has received instruction that there is no criminal antecedent against the petitioner.

Considering the submissions made by the learned counsel for the respective parties, the substantive sentence imposed by the learned trial Court, the period already undergone by the petitioner and absence of chance of early hearing of the appeal in the near future, while not inclining to release the petitioner on bail on merit, I am inclined to release him on interim bail for a period of three months from the date of release. The petitioner shall immediately surrender before the learned Court below on expiry of the said three months period.

For the above period, let the petitioner be released on interim bail to the satisfaction of the learned trial Court in connection with the aforesaid case on furnishing

bail bond of Rs.50,000/-(rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter including the conditions that the petitioner shall not indulge in any criminal activities. Violation of any of the conditions shall entail cancellation of bail.

The I.A. is disposed of accordingly.

**(S.K. Sahoo)
Judge**

I.A. No.2773 of 2023

04. This is an application for stay of realization of fine.
Heard.

Considering the submissions made by the learned counsel for the parties, let there be stay of realization of fine amount imposed on the appellant-petitioner pursuant to the judgment and order dated 23.03.2023 passed by the Addl. Sessions Judge -cum- Special Judge, Aska in G.R. Case No. 08 of 2017 (Sp.Act) pending disposal of the criminal appeal.

The I.A. is disposed of.

Issue urgent certified copy as per Rules.

**(S.K. Sahoo)
Judge**