
(2021) 07 OHC CK 0177

In the Orissa High Court

Case No : Criminal Appeal No. 192 Of 2010, 437 Of 2015

Anit Singh @ Rabi

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 20-07-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 313

Citation : (2021) 07 OHC CK 0177

Hon'ble Judges : Dr. S. Muralidhar, CJ; S. K. Sahoo, J

Bench : Division Bench

Advocate : Devasish Panda, J. Katikia

Final Decision : Disposed Of

Judgement

Â Misc. Case No.1698 of 2015 (CRLA No.192 of 2010) CRLA No.437 of 2015

1. These matters are taken up by video conferencing mode.
2. The Appellants have been in custody since 6th February, 2005 i.e. more than sixteen years. Their conviction and sentence have been passed by the learned Sessions Judge, Kalahandi-Nuapatna at Bhawanipatna by order dated 8th April, 2009 in S.C. No.81 of 2005.
3. This is a case of double murder. But the fact remains that the present appeals have been pending for more than 11 years and both the Appellants have been in custody for more than sixteen years without being released on bail at any point in time. This is a case which had been remanded for recording the statement of accused under Section 313 Cr.P.C. and pursuant to that remand the impugned judgment of the trial Court has been passed.
4. It is also a fact that earlier applications for bail filed by the present Appellants were rejected by this Court, on 19th August, 2014. At that stage, the

Appellants had been in custody for more than nine years, and a direction was issued to the Registry to prepare paper books and list the appeals for

final hearing before the appropriate Bench in the second week of September, 2014. Although paper books were prepared, the appeals could not be

taken up for hearing. The fact of the matter is that these appeals are unlikely to be taken up for hearing in the immediate future in their turn.

5. Keeping in view all of the above factors, and in light of the decision of the Supreme Court in *Surinder Singh @ Shingara Singh v. State of Punjab*,

(2005) 32 OCR (SC) 430 , this Court is of the considered view that the Appellants in both the appeals should be released on bail.

6. Accordingly, this Court directs that the Appellants (*Anit Singh @Rabi* in CRLA No.192 of 2010 and *Hasina @ Hastina Singh* in CRLA No.437 of

2015) be released on bail during pendency of the present criminal appeals subject to the conditions that will be incorporated by the trial Court in an

order and to the satisfaction of the trial Court.

7. The Misc. Cases are disposed of in the above terms.

CRLA No.192 of 2010 and CRLA No.437 of 2015

8. The paper books are ready in both the appeals.

9. Considering the above background of the present appeals, we consider it appropriate to fix both appeals for final hearing on 15th November, 2021.

In the meanwhile, additional paper books of the earlier trial Court record with reference to DSREF No.2 of 2006 be also prepared and copies thereof

be supplied to learned counsel for the parties.

10. List on 15th November, 2021.

11. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order

available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide

Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021.