
(2023) 10 OHC CK 0129
In the Orissa High Court
Case No : Criminal Appeal No. 913 Of 2023

Narayan Tarini @ Ula @ Chai @ Lambodar @ Lambu	APPELLANT
Vs	
State Of Odisha	RESPONDENT

Date of Decision : 18-10-2023

Acts Referred:

Indian Penal Code, 1860 — Section 34, 307, 332, 353, 506
Arms Act, 1959 — Section 25(1B)(a), 27

Citation : (2023) 10 OHC CK 0129

Hon'ble Judges : S.K. Sahoo, J

Bench : Single Bench

Advocate : Pratyusha Naidu, Rajesh Tripathy

Final Decision : Disposed Of

Judgement

S.K. Sahoo, J

I.A. No. 1956 of 2023

This matter is taken up through Hybrid Arrangement (Video Conferencing/ Physical Mode).

This is an application for bail.

The appellant-petitioner Lambu @ Lambodar @ Chai @ Ula @ Narayan Tarini has been convicted under sections 332/353/ 307/506/34 of the Indian Penal Code read with sections 25(1-B)(a)/27 of the Arms Act and sentenced to undergo rigorous imprisonment for a period of three years for the offence under section 332/34 of the Indian Penal Code, to undergo rigorous imprisonment for a period of two years for the offence under section 353/34 of the Indian Penal Code, to undergo rigorous imprisonment for a period of ten years and to pay a fine of Rs.10,000/- (rupees ten thousand), in default, to undergo further rigorous imprisonment for a further period of three months for the offence under section 307/34 of the Indian Penal Code, to undergo rigorous imprisonment for a period

of three years for the offence under section 506/34 of the Indian Penal Code, to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.2,000/- (rupees two thousand), in default, to undergo further rigorous imprisonment for a further period of one month for the offence under section 25 (1-B)(a) of the Arms Act and to undergo rigorous imprisonment for a period of four years and to pay a fine of Rs.3,000/- (rupees three thousand), in default, to undergo further rigorous imprisonment for a further period of two months for the offence under section 27 of the Arms Act and all the sentences were directed to run concurrently by the learned Asst. Sessions Judge, Bhanbjanagar vide judgment and order dated 18.07.2023 passed in S.T. Case No. 184 of 2017.

Learned counsel for the petitioner submitted that that the petitioner was taken into judicial custody on 12.06.2017 and since that date, he has never been released on bail and as such, he has completed more than six years and four months in judicial custody out of ten years of substantive sentence imposed by the learned trial Court. Learned counsel further submitted that according to the prosecution case, there are three injured persons, i.e. P.W.8, P.W.10 and P.W.12. The doctor (P.W.17) has stated that P.W.12 has sustained two simple injuries, one on the knee and the other on the left elbow and both the injuries are simple in nature. The doctor has also stated that he has not examined P.W.8 and P.W.10. He however submitted that the petitioner has also sustained grievous injuries and his leg was imputed. It is further submitted that the petitioner has got a very good chances of success in the appeal and there is no chance of early hearing of the appeal in the near future and balance of convenience is in his favour and therefore, the bail application may be favourably considered.

Learned counsel for the State, on the other hand, opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of evidence adduced during trial, the substantive sentence imposed by the learned trial Court and period already undergone by the petitioner and absence of any chance of early hearing of the appeal in the near future, I am inclined to release the petitioner on bail.

Let the appellant-petitioner be released on bail pending disposal of the appeal on furnishing bail bond of Rs.50,000/- (rupees fifty thousand) with two solvent sureties each for the like amount to the satisfaction of the learned trial Court with such terms and conditions as the learned Court may deem just and proper. Violation of any of the conditions shall entail cancellation of bail.

The I.A. is disposed of.

I.A. No. 1955 of 2023

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

There shall be stay of realization of fine amount imposed on the appellant-petitioner by the learned Asst. Sessions Judge, Bhanbjanagar vide judgment and order dated 18.07.2023 passed in S.T. Case No. 184 of 2017 pending disposal of

the criminal appeal.

The I.A. is disposed of.

Issue certified copy as per rules.

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