

(2024) 05 OHC CK 0070

In the Orissa High Court

Case No : Jail Criminal Appeal No. 42 Of 2019

Raju Das@ Biswal @ Sk.Bulu

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 06-05-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 389
Indian Penal Code, 1860 — Section 34, 323, 342, 376(2)(i)
Protection of Children from Sexual Offences Act, 2012 — Section 6

Citation : (2024) 05 OHC CK 0070

Hon'ble Judges : S.K. Sahoo, J;R.K. Pattanaik, J

Bench : Division Bench

Advocate : S.K. Samantaray, Arupananda Das

Final Decision : Disposed Of

Judgement

I.A. NO.20 OF 2024

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

This is an application under Section 389 of Cr.P.C for grant of bail.

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

Perused the impugned judgment.

The appellant-petitioner along with another has been convicted for the offences punishable under sections 376(2)(i)/323/342/34 of the I.P.C. and section 6 of the POCSO Act and sentenced to undergo imprisonment for life which shall mean the remainder of his natural life and to pay a fine of Rs.10,000/-(rupees ten thousand), in default, to undergo R.I. for a further period of two years for the offence under section 376(2)(i) of the I.P.C., to undergo R.I. for a period of six months each for the offence under section 323/342/34 of the I.P.C. by the learned 3rd Addl. Sessions Judge -cum- P.O., Children's Court, Cuttack vide

judgment and order dated 27th April 2019 passed in Spl. G.R. Case No.76 of 2015.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 7.11.2015 and though paper book has been prepared, there is no chance of early hearing of the appeal in the near future and the petitioner has got good chances of success in the appeal and balance of convenience is in his favour and therefore, the bail application may be favorably considered.

Learned counsel for the State place the evidence of the victim P.W.3 so also the doctor P.W.12.

Considering the submission made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody and absence of any chance of early hearing, we are 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 including the conditions that he shall not try to come in contact with the victim, shall not indulge any criminal activities while on bail.

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

The I.A. is disposed of.

.....