



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.488 of 2018

1. Chandra Mohan @ Appellants/Petitioners
Mohan Singh
2. Ramji @ Santosh
Prasad

Mr. B.K. Ragada, Advocate

-versus-

State of Odisha

....

**Respondent/
Opposite Party**

Mr. S.C. Pradhan, ASC

CORAM:

THE HON'BLE MR. JUSTICE S.K. SASHOO
THE HON'BLE MR. JUSTICE S.S. MISHRA

ORDER

09.07.2025

Order No.

I.A. No.990 of 2025

16. 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.

Perused the impugned judgment.

The appellant no.2-petitionerno.2 has been convicted for the offences punishable under sections 341/302/201/34 of I.P.C. read with sections 25/27 of the Arms Act and sentenced him to undergo imprisonment for life and to pay a fine of Rs.10,000/- (rupees ten thousand), in default, to undergo R.I. for a further period of six months



for the offence under section 302 of the I.P.C., to undergo imprisonment for S.I. for 15 days, to undergo R.I. for two years and to pay a fine of Rs.5,000/- (rupees five thousand), in default, to undergo R.I. for a further period of three months, to undergo R.I. for a period of three years and to pay a fine of Rs.5,000/- (rupees five thousand), in default, to undergo R.I. for a period of further three months for the offence under Section 25 of the Arms and to undergo R.I. for a period of seven 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 and all the sentences were directed to run concurrently by the learned Sessions Judge, Jharsuguda vide judgment and order dated 24.04.2018 in S.T. Case No.22 of 2013.

Learned counsel for the petitioner no.2 submitted that as per the order dated 01.10.2024 passed in I.A. No.1400 of 2024, taking into account the period of detention of the petitioner no.2 since 03.12.2012 and that there was less chance of early hearing of the appeal, this Court taking into account the ratio laid down in the case of **Leti @ Jayadeb Roy and another -Vrs.- The State reported in (1990) 3 Orissa Criminal Reports 427** directed the petitioner no.2 to be released on interim bail for a period of three months. He further submitted that after availing



the interim bail period, the petitioner no.2 surrendered at right time.

On the last date, we asked the learned counsel for the State to obtain instruction regarding the conduct of the petitioner no.2 while on interim bail. Learned counsel for the State has produced the written instruction received from the I.I.C., Brajarajnagar Police Station to the effect that no adverse conduct was reported against the petitioner no.2 during the period of interim bail. The written instruction is taken on record.

In the case of **Leti (supra)**, it is held as follows:-

"21. Stage has reached to express our view on the question whether the convicts who have been in jail for three years because of non-disposal of their appeals could claim their release on bail with the aid of Art.21 of the Constitution? According to us, Art.21 demands that the cases of such convicts have to be liberally viewed while examining the question of their release on bail and in run-of-mill cases enlargement on bail in the first instance for a temporary period of say three months for cogent personal reasons may not be refused. We have mentioned about temporary release in the first instance, to enable all concerned to watch the performance of the convict during the interregnum. If it would be found that he has misused the liberty, the period of his release on bail would not be enlarged. If, however, there be nothing against the convict, he would merit release on bail till the disposal of his appeal. Of course, for special reasons, which would include the nature of the crime and the antecedents of the convict, the benefit of release on bail even for a temporary period may be denied. The types of cases in which this benefit should be denied cannot be laid down exhaustively but should be akin to those about which reference has been made earlier. This apart, if the character and antecedent of the



convict be such as would give ground to believe that his release on bail may not be safe, he too may be denied the protective shield of Art.21."

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner no.2 in judicial custody and the fact that the petitioner no.2 has not flouted the terms and conditions of the interim bail order and also the law laid down in the case of **Leti @ Jayadeb Roy** (supra), we are inclined to release the petitioner on bail.

Let the appellant no.2-petitioner no.2 be released on bail in the aforesaid case on furnishing bail bond of Rs.20,000/-(rupees twenty thousand) with one local solvent surety for the like amount to the satisfaction of the learned trial Court subject to condition that he shall not indulge in any criminal activities in any manner.

Violation of any of the conditions shall entail cancellation of bail.

The I.A. is disposed of accordingly.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

(S.S. Mishra)
Judge