

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.1074 of 2022

**Raja @ Bijuli @ Sadam
Husain**

.... **Appellant/
Petitioner**

Mr.Amitav Tripathy, Advocate

-versus-

State of Odisha

.... **Respondent/
Opp. party**

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

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

**ORDER
28.03.2023**

I.A. No.2038 of 2022

Order No.

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

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

This is an application for bail.

The appellant-petitioner has been convicted under section 6 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to undergo rigorous imprisonment for a period of ten years and to pay a fine of Rs.10,000/- (rupees ten thousand) and in default, to undergo rigorous imprisonment for a further period of two months by the learned Ad-hoc Addl. Sessions Judge (F.T.S.C.), Nayagarh vide judgment and order dated 15th

November 2022 in T.R. Case No.3/2/19 of 2021/2014/2015.

Learned counsel for the petitioner submitted the petitioner was on bail during trial and he has never misutilized the liberty, there is no chance of early hearing of the appeal in the near future, the petitioner has got a fair chance of success in the appeal and the balance of convenience lies in his favour and therefore, the bail application of the petitioner 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 and on going through the evidence of the victim examined as P.W.7 and the material contradictions which are appearing in her evidence vis-à-vis her previous statements recorded under section 161 Cr.P.C. and 164 Cr.P.C. respectively and the fact that the victim was in company of the petitioner for four to five months and thereafter she was rescued, 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.

The I.A. is disposed of.

(S.K. Sahoo)
Judge

I.A. No. 2037 of 2022

03. 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 pursuant to the judgment and order dated 15th November 2022 passed by the learned Ad-hoc Addl. Sessions Judge (F.T.S.C.), Nayagarh in T.R. Case No.3/2/19 of 2021/2014/2015 pending disposal of the criminal appeal.

The I.A. is disposed of.

Issue certified copy as per rules.

सत्यमेव जयते

ORISSA

(S.K. Sahoo)
Judge

Sipun