

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.1157 of 2023

**1. Satyajit Nayak**  
**2. Laba Sethi**

.... **Appellants/  
Petitioners**

*Mr. Debasnan Das, Advocate*

-versus-

**State of Odisha**

.... **Respondent/  
Opp.Party**

*Mr. Arupananda Das  
Addl. Government Advocate*

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

**ORDER  
06.02.2024**

**CRLA No.1157 of 2023**

**Order No.**

01. This matter is taken up through Hybrid Arrangement  
(Video Conferencing/Physical Mode).  
Heard.  
Admit.  
Call for the trial Court records.

**( S.K. Sahoo )  
Judge**

**I.A. No. 2549 of 2023**

02. This is an application for bail.  
The appellants-petitioners have been convicted  
under sections 304(II)/323/34 of the Indian Penal Code  
and sentenced to undergo rigorous imprisonment for a  
period of seven years each and to pay a fine of

Rs.5,000/- (rupees five thousand), in default, to undergo rigorous imprisonment for a further period of six months each for the offence under section 304(II)/34 of the Indian Penal Code and to undergo rigorous imprisonment for a period of one year each for the offence under section 323/34 of the Indian Penal Code and both the sentences were directed to run concurrently by the learned Sessions Judge, Jagatsinghpur vide judgment and order dated 13.09.2023 passed in C.T. Case No. 43 of 2022.

Learned counsel for the petitioners submits that that the petitioners were on bail during trial and they have never misutilized the liberty. Learned counsel further submits that they along with others dealt fist blows to P.W.7, but no specific overt-act is alleged against them to have assaulted the deceased. He further submits that one of the co-accused, who was facing trial along with the petitioners, namely, Sanatan Das @ Tana has been directed to be released on bail by this Court in CRLA No. 1144 of 2023 as per order dated 22.01.2024 passed in I.A. No.2521 of 2023 and therefore, the bail application of the petitioners may be favourably considered..

Learned counsel for the State, on the other hand, opposed the prayer for bail. He placed the evidence of P.W.6, who conducted post mortem over the dead body of the deceased.

Considering the submissions made by the learned counsel for the respective parties, absence of any overt-act attributed against the petitioners so far as the assault on the deceased is concerned, the fact that the petitioners were on bail during trial and there is no material before this Court that they have misutilised the liberty in any manner and absence of any chance of early hearing of the appeal in the near future, I am inclined to release the petitioners on bail.

Let the appellants-petitioners be released on bail pending disposal of the appeal on furnishing bail bond of Rs.50,000/- (rupees fifty thousand) each 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.

**( S.K. Sahoo )**  
**Judge**

**I.A. No. 2548 of 2023**

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

There shall be stay of realization of fine amount imposed on the appellants-petitioners by the learned

Sessions Judge, Jagatsinghpur vide judgment and order dated 13.09.2023 passed in C.T. Case No. 43 of 2022 pending disposal of the criminal appeal.

The I.A. is disposed of.

Issue certified copy as per rules.

**( S.K. Sahoo )  
Judge**

PKSahoo

