

Sunil Muduli vs State Of Odisha ... Opposite Party on 10 January, 2024

Author: Savitri Ratho

Bench: Savitri Ratho

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMA No.511 of 2023

Sunil Muduli	...	Petitioner
		Ms.D.R.Nanda, Advocate
	vs.	
State of Odisha	...	Opposite Party
		Mr.D.K.Mishra, AGA

CORAM:
JUSTICE SAVITRI RATHO

ORDER

10.01.2024 Order No. (Through hybrid mode)

01.

1. This application under Section 389 (2) of Cr.P.C. has been filed with a prayer to release the petitioner on bail during pendency of Criminal Appeal No. 15/14 of 2023 in the Court of the 1st Additional Sessions Judge, Puri.

2. The petitioner and the co accused have been convicted in S.T. Case No.106/254/2022 by the learned C.J.M. cum Assistant Sessions Judge , Puri which arises out of G.R. Case No.3305 of 2021 and Kumbharpara P.S. Case No.385 of 2021 for commission of offences punishable under Sections 398/307/34 of IPC read with Section 25 and 27 of the Arms Act. The copy of the has not been filed.

3. The petitioner and co-accused have been sentenced to undergo R.I. for seven years and to pay a fine of Rs.10,000/- and in default, to undergo R.I. for three months for commission of offences punishable under Section 398/34 of IPC and to undergo R.I. for seven years and to pay a fine of Rs.10,000/-, in default of payment, R.I. for three months more Section 307/34 of IPC, to undergo R.I. for two years and to pay a fine of Rs.5,000/-, and in default of payment to undergo further R.I. for one month more for the offence under Section 25 of the Arms Act and to undergo R.I. for three years and to pay a fine of Rs.5,000/- and in default of payment to undergo R.I. for two months more under Section 27 of the Arms Act. It had been further directed that the sentences are to run concurrently.

4. Challenging his conviction, Appeal has been preferred by the petitioner before the learned 1st Addl. Sessions Judge, Puri. During pendency of the appeal, the petitioner had filed applications for bail and stay of conviction, sentence and realization of fine. His prayer for realization of fine has been allowed but the prayer to release the petitioner on bail and suspend the execution of the sentence has been rejected on 25.11.2023.

5. Ms.D.R.Nanda, learned counsel for the petitioner submits that the petitioner is in custody since 21.10.2021 and as the chances of the appeal being heard in the near future are bleak, the petitioner may be granted bail during pendency of this appeal.

6. Mr. D.K.Mishra, learned Addl. Government Advocate opposes the prayer for bail and referring to the rejection order dated 25.11.2023, submits that the petitioner has 15 criminal cases pending in different Police Stations in the district for commission of heinous offences including the offences of dacoity, possession of arms and ammunition and attempt to murder. In the present case, he has been convicted for attempting to murder the wife of the informant by firing at her and she has sustained injury. The petitioner has attempting to commit robbery armed with deadly weapon, for which his prayer for bail after conviction and during pendency of the appeal, has been rightly rejected.

7. Considering the nature of allegations against the petitioner and his criminal antecedents, I am not inclined to release the petitioner on bail.

8. The CRLMA is accordingly dismissed.

9. It is open for the petitioner to move the learned Court below for bail afresh in case there is undue delay in disposal of the appeal.

10. Urgent certified copy of this order be granted as per rules.

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(SAVITRI RATHO) JUDGE Bichi Signed by: BICHITRANANDA SAHOO