
(2021) 08 OHC CK 0150

Orissa High Court

Case No: Criminal Appeal No.417 Of 2014

K. Satya@ Sarat
Reddy And Another

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision: Aug. 31, 2021

Acts Referred:

Indian Penal Code, 1860 â€” Section 34, 302

Citation: (2021) 08 OHC CK 0150

Hon'ble Judges: Dr. S. Muralidhar, CJ; S. K. Sahoo, J

Bench: Division Bench

Advocate: N.N. Mohapatra, J. Katikia

Final Decision: Disposed Of

Judgement

I.A. No.387 of 2021

1. This is application for bail filed by Appellant No.2, K. Sanjib Reddy, who has been convicted by the impugned judgment dated 8th July, 2014 of the

Second Additional Sessions Judge, Berhampur, Ganjam in Sessions Case No.04 of 2006/Sessions Case No.362 of 2005 of G.D.C. corresponding to

G.R. Case No.62 of 2005 of the file of J.M.F.C., Purushottampur arising out of Purushottampur P.S. Case No.62 of 2005 for the offence under

Sections 302/34 IPC.

2. It must be mentioned here that of the two accused persons, who are convicted, the co-accused i.e. K. Satya @ Sarat Reddy has already been

released on bail by this Court by order dated 27th January, 2015.

3. Learned counsel for Appellant No.2 points out that he has remained in custody since 27th June, 2005 and has never been released on bail even

once. In other words, he has been in custody for over 16 years.

4. He further points out that in this Court's order dated 27th January, 2015 it has been recorded that it is perhaps Appellant No.2 who gave the

fatal blow to the deceased. However, the trial Court in para 6 of the impugned judgment notes that Appellant No.2, according to P.W.4, the sole

eyewitness, had stabbed the deceased on his back. Further it is pointed out that the fatal injury is an injury caused to the abdomen.

5. Without expressing any view on the above submissions, the Court notes that Appellant No.2, K. Sanjib Reddy, has made out a prima facie arguable

case on whether in fact the blow caused by him was the fatal blow. The Court further notes that there is no likelihood of the present appeal being

taken up for hearing in immediate future.

6. Keeping in view all of the above factors, and in light of the decision of the Supreme Court in Surinder Singh @ Shingara Singh v. State of

Punjab, (2005) 32 OCR (SC) 430, this Court is of the considered view that Appellant No.2, K. Sanjib Reddy, should be released on bail.

7. Accordingly, this Court directs that Appellant No.2 (K. Sanjib Reddy) be released on bail in connection with the aforementioned case during

pendency of the present criminal appeal subject to the conditions that will be incorporated by the trial Court in an order and to the satisfaction of the

trial Court.

8. The I.A. is disposed of in the above terms.

9. An urgent certified copy of this order be issued as per rules.