

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2720 of 2014

Prafulla Behera

....

Petitioner

Mr. Partha Sarathi Nayak, Advocate
-versus-

State of Odisha and Another

....

Opposite Parties

Mr. Ishwar Mohanty, Addl. Standing Counsel

**CORAM:
THE CHIEF JUSTICE**

Order No.

**ORDER
15.07.2022**

06. 1. The Petitioner is aggrieved by an order dated 9th October, 2013 cancelling the bail granted to him in G.R. Case No.591 of 2013 by the S.D.J.M., Jajpur.
2. According to the Petitioner, relying on the judgment in ***Dolat Ram v. State of Haryana 1995 (I) SCC 349*** it is contended that bail once granted cannot be mechanically cancelled by the Trial Court without adducing any reasons whatsoever.
3. Having heard learned counsel for the Petitioner and having perused the above judgment of the Supreme Court, this Court is unable to agree with the Petitioner that the trial Court i.e. S.D.J.M., Jajpur has committed any error in cancelling the bail granted to the Petitioner. The order dated 9th October, 2013 of the S.D.J.M., Jajpur which is assailed in the present petition states that a report was called for from the Investigating Officer (IO), who then submitted a report confirming that “on 05.10.2013 during morning hour abused the father of the victim.....and threatened with dire consequences.” The impugned order further shows that in addition

the complainant, who was present before the Court, contended that the accused had terrorized them and abused in obscene words on a public road and humiliated them in public. It was in the above circumstances, the bail granted to the Petitioner was cancelled. This was not a mechanical exercise of cancellation of bail without any reasons whatsoever.

4. Learned counsel for the Petitioner contended that unless an FIR was registered on the allegation of the complainant, the bail granted to the Petitioner could not have been cancelled. The Court is unable to agree. Once a report is called for from the IO and he confirms that the Petitioner threatened the complainant, that is sufficient for the trial Court to have cancelled the bail.

5. Consequently, the Court is not satisfied that any case is made out for interfering with the order dated 9th October, 2013 of the trial Court.

6. The petition is accordingly dismissed. The interim order is vacated. Time to the Petitioner to surrender is granted till 1st August, 2022 failing which the IIC of the concerned Police Station will immediately take steps to have the Petitioner apprehended.

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

8. The Superintendent of the concerned Branch is directed to immediately communicate this order to the concerned Subordinate Court.

(Dr. S. Muralidhar)
Chief Justice