



IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1624 of 2020

Jayanta Khatua and others

.....

Petitioners

Represented By Adv. -
Md.g. Madani

-versus-

State Of Odisha

.....

Opposite Parties

Mr. A. Pati, ASC

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

13.02.2025

Order No.

04.

I.A. No.238 of 2025

1. This matter is taken up through Hybrid mode.
2. This interlocutory application has been filed seeking modification of order dated 15.02.2022.
3. Learned counsel for the Petitioners submitted that the Petitioners were directed to surrender before the Court below and in such eventuality they shall be released on bail subject to such terms and conditions as it be deemed and proper by the Court in seisin over the matter. He further contended that since the Petitioners are working outside the State of Odisha either they are aware of order dated 15.02.2022 nor they were in the State to take advantage of



order dated 15.02.2022. In such background, learned counsel for the Petitioners submitted that order dated 15.02.2022 be extended by a further period of four weeks, so that the Petitioners can take advantage of the order.

4. In course of his argument, learned counsel for the Petitioners further contended that the injuries sustained by the injured are simple in nature and that the Petitioners do not have any criminal antecedents. He further submitted that the failure to surrender before the Court below pursuant to order dated 15.02.2022 is neither deliberate nor intentional, however, the same is due to lack of communication gap and absence of the Petitioners in the State.

5. Learned counsel for the State on the other hand objected to the modification of order dated 15.02.2022. At the outset learned counsel for the State submitted that the Petitioners are approaching this Court after expiry of a period of three years. Therefore, the application for extension should not be entertained.

6. Considering the submissions made by the counsels appearing for the respective parties, on a careful examination of the nature and gravity of the allegation as well as the surrounding facts and circumstances, order dated 15.02.2022 is extended by a further period of four weeks, but subject to depositing cost of Rs.2,000/- (Rupees Two Thousand) in the Advocates' Welfare Fund of Orissa High Court Bar Association within fifteen days and furnishing money receipt thereof in proof of deposit.

7. Further, the released of the Petitioners shall be subject to follow the additional conditions:



i) The learned Court below shall verify the nature of the injuries sustained by the injured. In the event it is found that the injuries sustained by the injured are grievous in nature, then this order shall not be given effect to;

ii) The learned Court below shall also verify the antecedents of the Petitioners. In the event it is found that the Petitioners have any criminal antecedents, then this order shall not be given effect to;

iii) Violation of any other conditions likely to be imposed by the Court in seisin over the matter shall entail automatic cancellation of the bail.

8. With the aforesaid observations/directions, the I.A. stands disposed of.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout

Signature Not Verified

Digitally Signed
Signed by: SANTANU KUMAR ROUT
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 18-Feb-2025 09:53:10