

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1408 of 2022

1. Subash Chandra Behera
2. Smt. Anjana Behera
3. Anil Kumar Behera **Petitioners**

Mr. S.K. Bhanjadeo, Advocate

-versus-

1. State of Odisha
2. Prakash Chandra
Behera **Opp. Parties**

Mr. D. Biswal,
Addl. Standing Counsel

CORAM:
JUSTICE S.K. SAHOO

ORDER

05.07.2022

I.A. No. 774 of 2022

Order No.

03. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

This is an application for modification of the order dated 11.05.2022 and also for extension of time to surrender in the Court below as per the said order.

Learned counsel for the petitioner submitted that the offences under sections 3(1)(r) and 3(1)(s) of the S.C. & S.T. (PoA) Act is not there at present in the case and therefore, the petitioners nos.2 and 3 may be permitted to surrender in the Court of learned S.D.J.M., Bhubaneswar in C.T. Case No.2686 of 2022 and some of the co-accused

persons have been released on bail, and therefore, the claim of parity with the co-accused persons may be taken into account at the time of adjudication of the bail application and the case records may be made available to the Court concerned.

Learned counsel for the State has no objection.

Considering the submission of learned counsel for the petitioners, it is directed that in the event the petitioners nos.2 and 3, namely, Smt. Anjana Behera and Anil Kumar Behera surrender in the Court of learned S.D.J.M., Bhubaneswar in C.T. Case No.2686 of 2022 and move for bail, the same shall be disposed of as expeditiously as possible by the Courts below in accordance with law and the claim of parity with the co-accused persons, who are stated to have been released on bail, shall be taken into account at the time of adjudication of the bail application. The case records shall be made available to the Court concerned and time of surrender as per the order dated 11.05.2022 is extended till 16.07.2022. It is made clear that no further extension shall be granted to petitioners nos.2 and 3.

The rest part of the order dated 11.05.2022 remains unaltered.

The I.A. is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge