

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.1077 of 2021

Shubhra Kundu

....

Petitioner

Mr. Manas Mohapatra, Sr. Advocate

-versus-

Republic of India (CBI)

....

Opposite Party

*Mr. Sarthak Nayak, Special Counsel
for the C.B.I.*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.08.2023

I.A. No.784 of 2023

Order No.

- 18.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard Mr. M. Mohapatra, learned Senior Counsel appearing for the Petitioner. This I.A. has been filed seeking modification of the condition No.6 in the bail order.
 3. Learned Senior Counsel submitted that the Petitioner is staying in Kolkata at the moment. Each date the matter is posted in the Court below and the Petitioner is being compelled to travel from Kolkata and stay at Bhubaneswar to attend the Court. The same is causing a lot of harassment and inconvenience to the Petitioner. Accordingly, he has approached this Court seeking modification of condition No.6. He further contended that till date the charge has not been framed.
 4. Mr. Nayak, learned Special Counsel appearing for the CBI, on the other hand contended that the Petitioner was released subject to the terms and conditions mentioned in the bail order. Moreover, a right was given to the prosecution to seek for cancellation, in the event, the Petitioner is not following terms and conditions imposed while releasing her on bail. Therefore, any modification if take away that right from prosecution. He further submitted that the Petitioner is not

appearing regularly before the trial Court. In addition to the above learned Special Counsel appearing for the CBI expressed his apprehension that in the event the Condition No.6 is webbed and then the Petitioner may not appear before the Trial Court which would cause unnecessary delay in conclusion of the trial.

5. In view of the factual background this Case and the submissions made by learned counsels appearing for the respective parties, this Court directs the Petitioner to approach the learned Trial Court by filing an application for modification of the Condition No.6. This Court further directs the Trial Court to consider the application, if any, is filed by the Petitioner seeking exemption from personal appearance before the Court. The learned Trial Court shall consider the matter keeping in view the inconvenience, if any, caused to the Petitioner. Further, it is open to the learned Trial Court to pass necessary orders directing the Petitioner to remain physically present in Court whenever her presence is required for the purpose of trial otherwise her personal appearance before the Trial Court may be dispensed with subject to the discretion of the Trial Court.

6. With the aforesaid direction, the I.A. is disposed of.

(A.K. Mohapatra)
Judge

Anil

Signature Not Verified

Digitally Signed
Signed by: ANIL KUMAR SAHOO
Designation: Junior Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 22-Aug-2023 19:18:18

