

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1933 of 2022

Bibekananda Samal

....

Petitioner

Mr.Chiranjaya Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.P.C.Das, A.S.C

*Mr.S.P.Das, Advocate
for the informant*

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
02.11.2022**

Order No.

08. I.A.NO.2045 OF 2022

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This Interlocutory Application has been filed by Mr.Shakti Prasad Das, learned Advocate seeking recall of the order dated 10.10.2022. By order dated 10.10.2022 passed in ABLAPL No.1933 of 2022, the Petitioner was directed to surrender before the Court and subject to terms and conditions mentioned therein, the Petitioner was allowed to be released on bail on surrendering. Mr.Das, learned counsel appearing for the informant submits that although he has filed his Vaklatnama on 22.09.2022, the same was not brought on record. Accordingly, this Court was in darkness about the appearance of Mr.Das on behalf of the informant on 10.10.2022 when the matter was listed and the bail application was heard in

absence of Mr.Das, learned counsel for the informant and order was passed. Further on 27.10.2022 when I.A.No.2045 of 2022 (the present I.A.) was listed before this Court after hearing learned counsel for the parties, this Court was pleased to pass an interim order directing that order dated 10.10.2022 shall not be given effect to till the next date. Further, it was directed that the Petitioner shall not be arrested till the next date if he is not already arrested. Thereafter the matter was again listed on 01.11.2022 and the interim order dated 27.10.2022 was extended.

3. Today this matter is listed for orders. Learned counsel for the Petitioner submits that the Petitioner has already been released on bail in the meantime.

4. Considering the aforesaid submissions, learned S.D.J.M., Bhubaneswar is directed to submit a report as to how the Petitioner was released despite the interim order passed by this Court staying the order dated 10.10.2022 and a detailed report be placed before this court on the next date.

5. Registry is directed to communicate a copy of this order to the learned S.D.J.M., Bhubaneswar, who shall submit a report within a week.

6. List this matter on 15th November, 2022.

(A.K. Mohapatra)
Judge