

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 553 of 2022

Kamal Lochan Jena

...

Petitioner

*Mr. S.B. Mohanty,
Advocate*

- Versus -

State of Odisha

...

Opposite Party

*Mr.S.K. Mishra,
Addl. Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

16.09.2022

Order No.

2.

1. This matter is taken up through hybrid mode.
2. Heard.
3. As per order dated 09.11.2021 passed in CRLMC No. 444 of 2021, this Court granted liberty to the petitioner to surrender before the court in seisin over the matter and move for bail with further direction that the same shall be considered on its own merits having regard to the principle of parity.
4. The said order was subsequently modified by order dated 16.12.2021 in I.A. No. 1902 of 2021 to the extent that the petitioner shall surrender before the learned Sessions Judge, Bhadrak within a period of two weeks from today and move for bail with all other observations in the earlier order remaining intact. The present application has been filed on the ground that despite such clear order, learned Sessions Judge, Bhadrak did not entertain the bail application filed by the accused petitioner on the ground that the lower court record relating to the court of

learned JMFC, Basudevpur are not available. This is an unfortunate state of affairs. Since this Court has directed the learned Sessions Judge to consider the bail application on its own merit, it was incumbent upon him to obtain the case record from the concerned court to deal with the bail application filed by the accused petitioner. Be that as it may, the petitioner is once again granted liberty to move for bail before the learned Sessions Judge, Bhadrak in which event the learned Sessions Judge shall pass order for transmission of the lower court records from the court of learned JMFC, Basudevpur on the same day at the cost of the petitioner accused and to consider the bail application for hearing on its own merit as per directions already issued by this Court.

5. The CRLMC is accordingly disposed of.

(Sashikanta Mishra)
Judge

