

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 5087 of 2022

Santosh Nayak

....

Petitioner

Mr. H.N. Mohapatra, Advocate

-Versus -

State of Odisha

....

Opposite Party

Mr. S.K.Mishra, ASC.

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

29.07.2022

I.A. No. 870 of 2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. I.A. has been filed seeking modification of order dated 31.05.2022 on the ground that after registration of the FIR under Section 341/354/506 of IPC, subsequently, on the prayer of the I.O., the offence under Section 3(2)(v)(a) of the SC & ST (PoA) Act has been added. As such, the petitioner's prayer for surrender was not accepted by learned court below.
4. Since this Court, on consideration of the facts and circumstances of the case as well as materials on record, has granted liberty to the petitioner to surrender before the court below with direction to the Court to release him on bail addition of the aforementioned offence need not nullify the said order. In such view of the matter and having regard to the decision of this Court in *Pramod Kumar Ray and others vs. State of Odisha*, reported in 2017 (16 OCR 309, the

prayer for modification is allowed by granting liberty to the petitioner to surrender before the court below within a period of three weeks. Ten days prior to such surrender notice shall be served upon the victim through the concerned Public Prosecutor.

5. Since the matter is presently pending before the Additional District and Sessions Judge, Nimapada, the petitioner shall surrender before the said Court as directed. In the event of surrender of the petitioner as aforesaid, he shall be released on interim bail by learned court below till hearing of his regular bail application in presence of the victim.

6. I.A. is disposed of.

7. Issue urgent certified copy as per Rules.

**(Sashikanta Mishra)**  
**Judge**

*A.K. Rana*

