

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6561 of 2022

Vivekananda Yadav and another *Petitioners*
Mr. T.K. Sahu, Advocate
-versus-
State of Odisha and others *Opposite Parties*
Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

Order No.

ORDER
07.12.2022

I.A. No.1819 of 2022

- 04.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioners as well as learned counsel for the State.
 3. It is submitted by learned counsel for the petitioners that the ABLAPL No.6561 of 2022 was disposed of by order dated 22.09.2022 granting bail to the petitioners. It is further submitted by learned counsel for the petitioners that in paragraphs-5 and 6 of the said order, certain errors have been found. It is also submitted by learned counsel for the petitioners that the court name has been written “J.M.F.C., Saintala” instead of “S.D.J.M., Saintala” and in paragraph-4 the offence under Section “307” has been written instead of Section “507” and Section 364-A, I.P.C. be added. Hence, modification has been prayed for.
 4. Accordingly, it is directed that in 5th line of paragraph-4 of the order dated 22.09.2022 it be mentioned as “307” in place of

“Sections 507 and 364-A, I.P.C.” and it be mentioned as “S.D.J.M., Saintala” in place of “J.M.F.C., Saintala”.

5. Considering the submission made by the respective parties, it is directed that in paragraphs-5 and 6 of the order dated 22.09.2022 be deleted in place of the paragraphs-5 and 6 new paragraphs be added as follows:-

6. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the petitioners.

7. However, on the submission of the learned counsel, the petitioners are given liberty to surrender before the learned S.D.J.M., Saintala in the aforesaid case in the first hour within 21 working days hence and move for bail. On such event, the learned Magistrate shall consider their application for bail in the first hour strictly on the basis of the materials on record. In case of rejection of the bail application, the petitioners may move for bail before the higher forum in the second hour. On such event, the higher forum shall consider and dispose of the bail application of the petitioners on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

8. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the petitioners, if applied for.

9. In view of the aforesaid modification, four weeks' further time from today is extended for the petitioners to surrender before the learned court below.

10. The ABLAPL is accordingly disposed of.

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

