

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5844 of 2021

Mantu @ Santosh Kumar Swain

.... ***Petitioner***
M/s. N.Panda, Advocate

-versus-

State of Orissa & another

.... ***Opp. Parties***
M/s. P.K.Patnaik, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

30.09.2022

I.A. No. 1622 of 2022

Order No.

10. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is an application by the petitioner seeking recall of the order passed on 29.08.2022 by this Court on the grounds that the occurrence in which the bail application of the petitioner was rejected arises out of one and same occurrence in which the petitioner has been granted bail by the learned Addl. Sessions Judge-cum-Special Judge, Kendrapara.
3. In course of hearing of such Interlocutory Application, Mr.N.Panda, learned counsel for the petitioner vehemently contends that Patkura P.S. Case No. 364 of 2019 and Patkura P.S. Case No. 41 of 2020 are one and same, and the victims as well as the transactions in both the cases are same and when the bail has already been granted to the petitioner by the learned Addl. Sessions Judge-cum-Special Judge, Kendrapara, the present order should be recalled in the interest of justice.
4. Learned counsel for the State on the other hand submits that the earlier order was rightly passed in this case.
5. Perused the record. It is found that there are two F.I.Rs. lodged against the petitioner in Patkura P.S. Case No. 364 of 2019 corresponding to G.R. Case No. 1831 of 2019 and Patkura P.S. Case

No. 41 of 2020 corresponding to G.R. Case No.22 of 2020 but the petitioner has been granted bail only in G.R. Case No. 22 of 2020 by the learned Addl. Sessions Judge-cum-Special Judge, Kendrapara. A bare perusal of the F.I.Rs. in both the cases would go to indicate that the occurrences are separate and offences alleged against the petitioner are also separate and distinct, although the commission of offence U/S. 6 of POSCO Act is common in both the cases. Further, the order sought to be recalled by the petitioner was passed on 29.08.2022 by this Court in the presence of Mr.Niranjan Panda, learned counsel for the petitioner, learned counsel for the State and learned counsel for the informant but no one had raised any contention on that day about the victims and occurrences in both the cases to be one and same. It is further noted that had the transactions in both the cases been one, what made the petitioner to apply for bail to the High Court annexing copy of rejection order of bail in G.R. Case No. 1831 of 2019 in the present BLAPL after grant of bail to the petitioner in other case i.e. G.R. Case No.22 of 2020 by the learned Addl. Sessions Judge-cum-Special Judge, Kendrapara.

6. In view of above discussion and facts, this Court does not find any force in the submissions advanced on behalf of the petitioner and the order passed earlier by this Court on 29.08.2022 does not require to be recalled.

Hence, the I.A. stands dismissed.

(G. Satapathy)
Judge