

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMA No.210 of 2021

Amara Kumar Behera

....

Petitioner

Mr. D. Mishra
Advocate

-versus-

State of Odisha (Vig)

....

Opposite Party

Mrs.J. Tripathy,
Addl. Standing Counsel (Vig)

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

22.02.2022.

Order No.

01. 1. This matter is taken up through hybrid mode.
2. Heard Mr. D. Mishra, learned counsel for the Petitioner and Mrs. J. Tripathy, learned Addl. Standing Counsel for the Vigilance Department.
3. This application has been filed seeking modification of one of the conditions imposed by the learned Special Judge, Vigilance while granting bail to the Petitioner who is facing trial in G.R. Case No.3/2017 (V) in the Court of learned Special Judge (Vigilance), Jeypore. He moved this Court in ABLAPL No.8418/2019 and by order dated 30th July, 2021, this Court

had directed that in the event the Petitioner surrenders before the court in seisin over the matter, he shall be released on bail on such terms and conditions as would be deemed just and proper by the said court. Accordingly, by order dated 12th August, 2021, the learned Special Judge, Vigilance while allowing the bail application fixed certain conditions including the condition that the Petitioner shall appear before the court on each date of posting of the case till its conclusion. It is submitted that the Petitioner is a resident of Balipatna in the district of Bhadrak which is more than 700 kms. from Jeypore and it is not practically possible on his part to appear personally before the court on each date of posting of the case. It is, therefore, prayed that the said condition may be waived and that the Petitioner undertakes to appear whenever his personal appearance is considered necessary.

4. Mrs. J. Tripathy, learned Addl. Standing Counsel for the Vigilance Department, has fairly submitted that having regard to the grounds on which the prayer for modification is made, the Court may pass appropriate orders.

5. Considering the submissions made, this Court is inclined to allow the prayer. The CRLMA is, therefore, allowed. The condition imposed by the learned Special Judge, Vigilance to the effect that the Petitioner shall appear before the court on each of posting of the case till its conclusion is hereby waived. It goes without saying that the Petitioner shall appear

personally if the court considers his personal appearance absolutely necessary for a just decision of the case.

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

AKB

(Sashikanta Mishra)
Judge

