

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8075 of 2021

Dilip Jain

.... ***Petitioner***
Mr. R. Mohapatra, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
Mr.S.R. Roul, A.S.C.

CORAM:
JUSTICE G. SATAPATHY

ORDER

01.11.2022

I.A. No. 1802 of 2022

Order No.

- 09.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This I.A. has been filed by the petitioner to recall the order passed by this Court on 19.09.2022 where under the BLAPL was permitted to be disposed of as withdrawn on the submissions of the learned counsel for the petitioner.
 3. Learned counsel for the Petitioner submits that in the course of hearing of original bail application, learned counsel for the State had submitted about pendency of some criminal cases which was later on verified and found to be incorrect against the petitioner and on that premises, learned counsel for the Petitioner without verifying it and without any instruction from the petitioner has withdrawn the bail application and therefore, the earlier order passed disposing the bail application as withdrawn may kindly be recalled and restored to file.
 4. Learned counsel for the State-OPID opposes the prayer of the Petitioner vehemently by inter alia contending that while the bail application had already been disposed of as withdrawn, the Petitioner

should have come up with a fresh bail application instead of praying for recalling of the order passed earlier and that too, without any justification.

5. In view of the submissions advanced on behalf of the parties and taking into consideration the earlier order passed by this Court directing disposal of the bail application as withdrawn, this Court does not find any justification to recall the earlier order passed by this Court.

6. Accordingly the I.A. is disposed of with liberty to the Petitioner to renew his prayer for bail by filing a fresh bail application.

Priyajit

