

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2722 of 2022

Sarbajay Pati

....

Petitioner

Mr. Ashok Kumar Panigrahi, Advocate

-Versus-

State of Odisha and others

....

Opposite Parties

Mr. P.K. Rout, AGA, OP No.1

None for OP No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

29.09.2022

Order No.

- 03.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner assailing the impugned order dated 2nd August, 2022 passed by the learned Assistant Sessions Judge, Balasore in S.T. No.49/184 of 2018 on the grounds stated therein.
 3. Learned counsel for the petitioner submits that petitioner is the informant and he had moved an application under Section 439(2) for cancellation of bail before the learned court below, which was decided and disposed of on merit despite having no jurisdiction to entertain the same for the fact that the bail was granted in favour of opposite party No.2 and 3 by the court of Sessions.
 4. It is further submitted that the court passed the order of bail should not have entertained it but instead disposed of the

application filed under Section 439(2) Cr.P.C. and declined to cancel the bail granted to opposite party Nos.2 and 3.

5. At this juncture, learned counsel for the petitioner submits that liberty should be granted to the petitioner to move the learned Sessions court seeking cancellation of bail vis-à-vis opposite party Nos.2 and 3 which is not objected to by the learned AGA.

6. The Court is inclined to allow the prayer and while disposing of the CRLMC grants the liberty to the petitioner to approach the learned Sessions Judge, Balasore to renew the prayer for cancellation of bail and in the event any such application so moved, the Sessions Court shall do well to pass appropriate order as per and in accordance with law.

(R.K. Pattanaik)
Judge

U.K.Sahoo

