

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 12361 of 2022

Rikarda Dulibaska

....

Petitioner

Mr. S.S. Ray-2, Adv.

-versus-

State of Odisha

....

Opposite Party

Mr. P.C. Das, ASC

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
09.03.2023**

I.A. No.2615 of 2022

Order No.

06. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This interlocutory application has been filed by the Petitioner seeking modification of the order dated 14.10.2022 passed by this Court in the aforesaid bail application.
3. Heard learned counsel for the parties.
4. It is submitted by the learned counsel for the Petitioner that vide order dated 14.10.2022, this Court was not inclined to grant anticipatory bail to the Petitioner, however, it was directed that in the event the Petitioner surrender before the court below, then he shall be released on bail subject to the terms and conditions as mentioned in paragraph-6 of the order dated 14.10.2022. He further contended that at the time of surrender, the Petitioner came to know that he has also been entangled in one similar matter although he has been released on bail by this Court. In other matter, i.e., in BLAPL

No.3808 of 2021, vide order dated 20.07.2021, the Petitioner apprehends that the Court in seisin over the matter might not released him on bail.

5. Considering such submission, the condition with regard to verification of the criminal antecedents as reflected in paragraph-6 of the order dated 14.10.2022 is modified to the extent that in the event it is found that the Petitioner have more than one criminal antecedent, then the order dated 14.10.2022 shall not be given effect to. Further, the release of the Petitioner shall also be subject to furnishing a cash security of Rs.10,000/- (Rupees ten thousand) before the court in seisin over the matter which shall be kept in interest bearing fixed deposit account in the name of the court in any nationalized bank and renewed from time to time till disposal of the case. The said deposit shall be subject to the outcome of the trial.

6. In view of the aforesaid modification, the time to surrender of the Petitioner before the Court in seisin over the matter is extended by another four weeks from today subject to Petitioner depositing a sum of Rs.1,000/- (Rupees one thousand) in the Advocates' Welfare Fund of the Orissa High Court Bar Association within fifteen days hence and furnishing money receipt thereof in proof of deposit.

7. It is made clear that, if the cost is not deposited within the stipulated time, time extended for the Petitioner to surrender shall stand revoked automatically.

8. I.A. is disposed of accordingly.

9. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge