

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12807 of 2022

Dasarathi Jena & others

.... Petitioners
Mr.A.R.Panda, Advocate

-versus-

State of Odisha

.... Opp. Party
Mr.P.K.Rout, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

01.11.2022

Order No.

02

I.A.NO.2105 of 2022

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is an application for modification of order dated 30.09.2022 in respect of Petitioner No.3. It is submitted by the learned counsel for the Petitioners that Petitioner Nos.1 to 7 except Petitioner No.3 have already surrendered and already released on bail. So far as the Petitioner No.3 is concerned, it is submitted that he has three criminal antecedents.
3. Considering such submission order dated 30.09.2022 in respect of Petitioner No.3 is modified to the extent that the Petitioner is directed to surrender before the learned J.M.F.C.(R), Balasore in C.T.Case No.661 of 2022 arising out of Rupsa P.S.Case No.76 of

2022 in the first hour within 21 working days hence and move for bail. On such event, the learned Magistrate shall consider his application for bail in the first hour strictly on the basis of the materials on record. In case of rejection of the bail application, the Petitioner No.3 may move for bail before the higher forum in the second hour. On such event, the higher forum shall consider and dispose of the bail application of the Petitioner No.3 on the same day strictly on the basis of the materials on record.

5. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the Petitioner No.3, if applied for.

6. In view of the aforesaid modification, four weeks' further time from today is granted to the Petitioner to surrender as per order dated 30.09.2022, but subject to depositing cost of Rs.500/- (Rupees five hundred) by the Petitioner in the Advocates' Welfare Fund of the Orissa High Court within 15 days from today and furnishing money receipt thereof in proof of the said deposit.

7. It is made clear that, if cost is not paid within the aforesaid stipulated time, then the extension period to surrender shall stand automatically revoked.

8. The I.A. is accordingly disposed of.

9. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge