

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2920 of 2022

Tapan Jena @ Tapan Kumar Jena and
Others

Petitioners

Mr. S. K. Dash, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. S. Mishra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
23.11.2022

I.A. No.2583 of 2022

Order
No.
02.

1. This Court by an order dated 26th October, 2022 while disposing of CRLMC No.2920 of 2022 directed the petitioners to surrender before the learned court below on or before 9th November, 2022 in connection with G.R. Case No.737 of 2016 to be released on bail subject to conditions and confirmation of having no criminal antecedent.

2. Learned counsel for the petitioner however submits that some of the petitioners are having criminal antecedents with cases registered in 2016, the fact which was not within his knowledge at the time of disposal of the CRLMC. It is therefore submitted that the order dated 26th October, 2022 may accordingly be modified so as to facilitate the petitioners to be released on bail deleting the said condition.

3. Mr. Mishra, learned counsel for the State offers an objection to the modification of the Court's order dated 26th October, 2022

on the ground that the petitioners or some of them do have the criminal antecedents.

4. Considering the nature of offences alleged and the fact that the criminal antecedents vis-à-vis the petitioners are related to the year 2016, as is claimed by the learned counsel appearing for them, the Court is of the view that the order dated 26th October, 2022 should be modified in the interest of justice.

5. Accordingly, I.A. stands allowed with a direction to the petitioners to surrender before the learned S.D.J.M., Anandapur on or before 13th December, 2022 in connection with G.R. Case No.737 of 2016 corresponding to Ramachandrapur P.S. Case No.128 of 2016 and in the event they surrender, the court shall release them on bail subject to any conditions as deemed just and proper in the facts and circumstances of the case.

6. Urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge