

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13791 of 2022

Babuni @ Pramod Mohanty and another ***Petitioners***

Mr. J.K. Mohapatra, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. S. Patra, ASC

**CORAM:
JUSTICE CHITTARANJAN DASH**

**ORDER
02.02.2023**

Order No.

I.A. No.2398 of 2022

07.

1. Heard learned counsel for the Petitioners and the State.
2. By means of this interlocutory application, the Petitioner seeks modification in respect to the order dated 1st November, 2022 wherein this Court at paragraph-3 while allowing the Petitioner liberty to surrender before the court in seisin over the matter directed as follows:

“It is made clear that the learned Court below shall verify the criminal antecedent of the Petitioner, if necessary by admitting the Petitioner to bail provisionally till the information is received and in case more than one antecedent is noticed, the order of this Court shall not be given effect to and the court shall be free to deal with matter of bail according to its merit without further reference to the present.”

3. It is submitted by learned counsel for the Petitioner that liberty has been granted to Deepak @ Depak Ku Behera @ Dipu Behera and Jyoti Ranjan Das @ Papu in ABLAPL No.13827 of 2022 and 13823 of 2022 respectively without the condition of verification of criminal antecedent whereas in the case of the present Petitioner, the Court has directed to verify the criminal antecedent and as such the present Petitioner be taken at par that the accused Depak Kumar Behera @ Dipu Behera and Jyoti Ranjan Das @ Papu.

4. Perusal of the case record reveals that several accused persons have been arrayed in Chandbali P.S. Case No.335 of 2022 corresponding to G.R. Case No.805 of 2022 pending in the court of learned J.M.F.C., Chandbali. It is further revealed that the accused persons, namely, Depak Ku Behera @ Dipu Behera and the present Petitioner Babuni @ Pramod Mohanty, Tukuna Lenka, Kuna @ Prahallad Dhal, Aju @ Anedull Raheman, Muna @ Nisikanta Behera and several others have series of criminal antecedents of the similar nature under Chandbali P.S. and Bansada P.S.

5. The order dated 31st October, 2022 passed in ABLAPL No.13827 of 2022 discloses that the said Petitioner has been granted liberty subject to verification of antecedents. Similar is also the order in respect to the Petitioner Jyoti Ranjan Das @ Papu whereas the present Petitioner has been given one more relaxation as to the antecedent and subject to verification of more than one criminal antecedent the present Petitioner has been given liberty to surrender. This shows that the learned counsel has all along misled the Court that earlier orders in respect to Depak Ku Behera @ Dipu

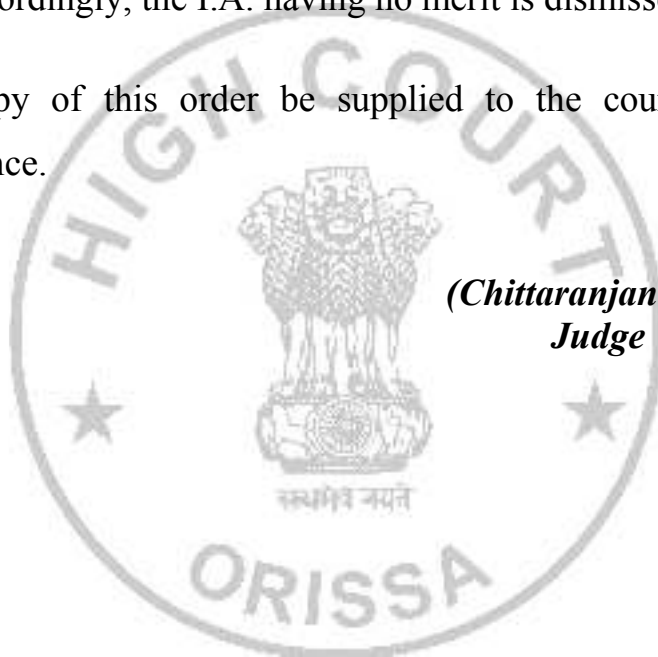
Behera and Jyoti Ranjan Das @ Papu have been passed without verification of antecedent.

6. This Court takes a serious note of conduct of the learned counsel by dragging the application with interim protection without verifying the order passed in those applications. This Court is constrained to caution the learned counsel hence forth while making submission to the Court in reference to other applications.

7. Accordingly, the I.A. having no merit is dismissed.

8. Copy of this order be supplied to the court concerned for reference.

(Chittaranjan Dash)
Judge



KC Bisoi