

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPCRL No.132 of 2022

Kanhu Charan Parida

.....

Petitioner

Mr. K. Pradhan, Adv.

-Versus-

State of Odisha & ors

.....

Opp. Parties

Mr. J. Katikia, AGA

CORAM:

JUSTICE S. TALAPATRA

JUSTICE SAVITRI RATHO

ORDER

27.10.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard Mr. K. Pradhan, learned counsel appearing for the petitioner and also heard Mr. J. Katikia, learned Addl. Government Advocate appearing for the State.
3. It has been alleged in this writ petition that for the so-called lawyers strike which commenced since 21.10.2022, the bail bond for release of the cousins of the petitioner could not be furnished for acceptance by the NGN-cum-JMFC, Tangi.
4. On scrutiny of the records, it appears that 3 bail orders are concerned with the present writ petition. The order dated 21.10.2022 delivered in BLAPL No.586 of 2022 arose out of G.R. Case No.548 of 2022, corresponding to Tangi P.S. Case No.583 of 2022 which is pending in the Court of learned NGN-cum-JMFC, Tangi. The said order is concerned with 3 accused persons namely, Sibaprasad Parida,

Srikanta Parida and Suryakanta Parida @ Surjayakanta whose details are available in the order itself. By the said order dated 21.10.2022, certain conditions have been imposed for granting the bail. By the order dated 21.10.2022 delivered in BLAPL No.587 of 2022 arose out of G.R. Case No.94 of 2022 corresponding to Tangi P.S. Case No.99 of 2022, pending in the Court of learned NGN-cum-JMFC, Tangi, the bail was granted in favour of one Sibaprasad Parida and by the bail order dated 26.10.2022 delivered in BLAPL No.593 of 2022 arising out of G.R. Case No.537 of 2022 corresponding to Tangi P.S. Case No.562 of 2022, pending the Court of learned NGN-cum-JMFC, Tangi, 3 accused persons namely, Sibaprasad Parida @ Siba Parida, Srikanta Parida @ Kanha and Suryakanta Parida @ Surjayakanta have been granted bail. In the said order of bail, there are certain conditions to be observed by the accused persons.

5. Mr. Pradhan, learned counsel, in the course of his submission, drew our attention to a notice dated 21.10.2022 (Annexure-2 to the writ petition). It transpires from the notice dated 21.10.2022 that Lawyers Bar Association, Tangi, Dist. Khordha has taken a decision in an emergency meeting held on 21.10.22 evening to boycott the Court of the Nayadhikari cum-J.M.F.C., Smt. Siona Sidharth Moharana from 22.10.2022 until they get justice from the said Judicial Magistrate.

6. Mr. Pradhan, learned counsel has informed us till today the said boycotting is continuing. As a result it has become impossible to go and furnish the bail bond for purpose of release of the cousins of the petitioner.

7. Mr. Katikia, learned Addl. Government Advocate has submitted that such situation is unprecedented. Be that as it may, the liberty of the person who have been granted bail cannot be truncated

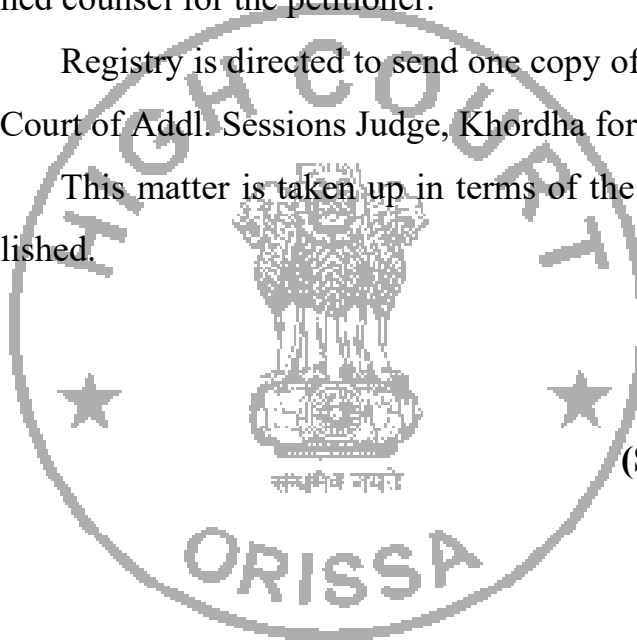
in this fashion. In the circumstances, we are of the considered view that the Addl. Sessions Judge, Khordha, by the authority of this order, shall examine and accept the bail bond that will be submitted by the accused persons as named above, in terms of the said orders as referred above and on acceptance, he will straightway direct the jail authority to release the accused persons.

8. This writ petition stands allowed, in terms of the above and disposed of.

9. A copy of this order be supplied forthwith to Mr. K. Pradhan, learned counsel for the petitioner.

10. Registry is directed to send one copy of this order forthwith to the Court of Addl. Sessions Judge, Khordha for compliance by e-mail.

11. This matter is taken up in terms of the Special Notice List as published.



(S. Talapatra)
Judge

(Savitri Ratho)
Judge