

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13965 of 2022

Niranjan Samal

.... ***Petitioner***
Mr. Amit Prasad Bose, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. M.K. Mohanty, A.S.C.

**CORAM:
JUSTICE CHITTARANJAN DASH**

ORDER
15.11.2022

Order No.

03. **I.A. No.2294 of 2022**

1. Heard learned counsels for the parties.

2. Learned counsel for the Petitioner submits for a modification of the last seven lines of para-3 of the order passed on 1st November, 2022. The relevant portion of Para-3 of the said order reads 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. According to the learned counsel for the Petitioner, four numbers of F.I.Rs. have been lodged against the Petitioner in connection with

the very same incident concerning Laxmi Puja of the current year. Consequently, the antecedents of the Petitioner, if taken into account, he would be found involved in four incidents having similar nature of offences, and thereby the purpose of the order passed on 1st November, 2022 shall be defeated.

4. Learned counsel for the State submitted that the Petitioner is having number of criminal antecedents.

5. Keeping in view the above fact and submission, the last seven lines of para-3 of the order dated 01.11.2022 stands modified and it is ordered as under –

“It is made clear that the learned court below while verifying the criminal antecedents of the Petitioner shall not take into considerations if the Petitioner is involved in cases concerning Laxmi Puja of the current year even if more than one. But, the court if notices more than one antecedents other than relating to the Laxmi Puja of the current year, shall not give effect to this order (dt.01.11.2022) and shall be free to deal with the bail application, if any, on its own merit without further reference to the present”.

6. Order dated 01.11.2022 stands modified to the above extent only, and the I.A. is disposed of accordingly.

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

(Chittaranjan Dash)
Judge