

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14039 of 2022

Niranjan Behera & Others

Petitioners

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.

02. I.A. No.2293 of 2022

1. Heard learned counsels for the parties.
2. Learned counsel for the Petitioners submit for a modification of para-4 of the order passed on 2nd November, 2022. Para-4 of the said order reads as follows —

“It is made clear that the learned Court below shall verify the criminal antecedent of the Petitioners, if necessary by admitting the Petitioners 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 Petitioners, four numbers of F.I.Rs. have been lodged against the Petitioners in connection with the very same incident concerning Laxmi Puja of the current year. Consequently, the antecedents of the Petitioners, if taken into

account, they would be found involved in four incidents having similar nature of offences, and thereby the purpose of the order passed on 2nd November, 2022 shall be defeated.

4. Learned counsel for the State submitted that the Petitioners are having number of criminal antecedents.

5. Keeping in view the above fact and submission, para-4 of the order dated 02.11.2022 stands modified and it is ordered as under –

“It is made clear that the learned court below while verifying the criminal antecedents of the Petitioners shall not take into considerations if the Petitioners are 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.02.11.2022) 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 02.11.2022 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