

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPCRL No.138 of 2022

Swadesh Routray & ors

.....

Petitioners

Mr. A. Biswal, Adv.

-Versus-

State of Odisha & ors

.....

Opp. Parties

Ms. S. Pattnaik, AGA

CORAM:

JUSTICE S. TALAPATRA

JUSTICE SAVITRI RATHO

ORDER

31.10.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard Mr. A. Biswal, learned counsel appearing for the petitioners and also heard Ms. S. Pattnaik, 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 petitioners could not be furnished for acceptance by the NGN-cum-JMFC, Tangi.
4. On scrutiny of the records, it appears that one bail order is concerned with the present writ petition. The order dated 21.10.2022 delivered in BLAPL No.584 of 2022 arose out of G.R. Case No.549

of 2022, corresponding to Tangi P.S. Case No.584 of 2022 which is pending in the Court of learned NGN-cum-JMFC, Tangi. The said order is concerned with three accused persons namely, Swadesh Rautray, Gobinda Chandra Rautray and Trinath @ Snehasis Parida 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.

5. Mr. Biswal, learned counsel has informed us till today the said boycott is continuing. As a result it has become impossible to go and furnish the bail bond for purpose of release of the petitioners.

6. Ms. S. Pattnaik, learned Addl. Government Advocate has submitted that such situation is unprecedented. Be that as it may, the liberty of the person who has been granted bail cannot be truncated in this fashion. In the circumstances, we are of the considered view that the 1st 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 order as referred above and on acceptance, he will straightway direct the jail authority to release the accused person.

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

8. A copy of this order be supplied forthwith to Mr. Biswal, learned counsel for the petitioners.

9. Registry is directed to send one copy of this order forthwith to the Court of 1st Addl. Sessions Judge, Khordha for compliance by e-mail.

10. A free copy of this order be supplied to Mr. A. Biswal, learned counsel for the petitioners in course of the day.

(S. Talapatra)
Judge

(Savitri Ratho)
Judge

Rati Ranjan

