



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10558 of 2021

Suryamani Tripathy

.....

Petitioner

Represented By Adv. -
Mr.Milan Kanungo, Sr.
Adv.

-versus-

State Of Odisha

.....

Opposite Party

Represented By Adv. -
Mr.S.K.Parhi, A.S.C.
Mr.S.N.Mishra, Adv. for
Intervener

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

27.11.2024

Order No.

28.

I.A. No.1039 of 2024

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsels for the parties.
3. This I.A. has been filed with a prayer for modification of condition imposed by this Court passed vide order dated 09.01.2023 in I.A. No.947 of 2022.
4. On perusal of the order dated 07.04.2022 is observed that this Court granting bail to the Petitioner, subject to the petitioner furnishing a bail bond of Rs.1,00,000/- (Rupees One Lakh) with one local solvent surety of the like amount, this Court had also imposed certain conditions as follows:-

i) he shall not indulge himself in any similar nature of offence.

ii) shall appear before the trial court on each and every date fixed



by the trial court till conclusion of trial.

iii) shall not tamper with the Prosecution evidence.

iv) shall not influence or threaten any prosecution witnesses while on bail.

v) he shall deposit Rs.7,00,000/- (Rupees Seven lakhs) in the court below. Out of Rs.7,00,000/- (Rupees Seven lakhs), Rs.3,00,000/- (Rupees Three lakhs) shall be deposited at the time of release on bail and rest Rs.4,00,000/- (Rupees Four lakhs) will be deposited in two instalments at the rate of Rs.2,00,000 /-(Rupees Two lakhs) within one month from the date of release.

vi) Violation of any of the terms and conditions shall entail cancellation of bail.

5. The record further reveals that an application bearing I.A. No.947 of 2022 was filed by the learned counsel for the Intervener-Petitioner seeking modification of the conditions imposed by this Court while releasing the Petitioner vide order dated 07.04.2022. It appears that vide order dated 09.01.2023, this Court on a careful consideration of the allegations made by the Intervener-Mrs. Bijayalaxmi Dash, was inclined to modify the conditions imposed vide order dated 07.04.2022 to the extent that the Petitioner shall not enter into the Ravenshaw University Campus, Cuttack where the Intervener-Petitioner was residing at the moment and that the Petitioner shall not come near the Intervener-Petitioner. Further, it has been directed that the Petitioner shall not harass, threaten or terrorize the Intervener-Petitioner in any manner whatsoever either directly or indirectly and he shall appear in person before Chandrasekharpur Police Station, Bhubaneswar once in a fortnight till conclusion of the trial.

6. Learned Senior Counsel appearing for the Petitioner at this juncture contended that the condition with regard to the appearance before the Chandrasekharpur police station, Bhubaneswar is causing inconvenience to the Petitioner. Learned Senior Counsel further argued that since the charge sheet has already been filed, therefore, the



presence of the Petitioner before the said police station is no more required either for the purpose of investigation or for his custodial interrogation. He further contended that the Petitioner has been diligently complying with the conditions imposed by this Court.

7. Learned counsel for the Intervener-petitioner on the other hand objected to the modification of the said conditions. He further submitted that taking into consideration the allegations made by the Intervener-Petitioner, namely, Mrs. Bijayalaxmi Dash, in her I.A. application, the order dated 07.04.2022 was suitably modified vide order dated 09.01.2023. He further submitted that in the event the condition with regard to the appearance of the Petitioner before the Chandrasekhar Police Station is modified, the same would amount to security threat to the Intervener-Petitioner. On such grounds, learned counsel for the Intervener-Petitioner submitted that since there appears to be a risk to the life of the Intervener-Petitioner and the petitioner has not done enough to comply with the conditions imposed by this Court, the prayer of the Petitioner for modification of the conditions imposed vide order dated 07.04.2022 as well as 09.01.2023 be not entertained at this juncture.

8. In reply to the aforesaid condition, the learned Senior Counsel appearing for the Petitioner referred to order dated 16.12.2023 passed by the learned P.O., Designated Court under the OPID Act, Cuttack.

On perusal of the said order it appears that an application was filed with a prayer to issue NBW against the present petitioner on the ground that the Petitioner has not been complying with the conditions imposed by this Court, however, the learned P.O., Designated Court under the OPID Act, Cuttack rejected the prayer of the Intervener-Petitioner vide order dated 16.12.2023 by categorically holding that there is nothing on record to come to a conclusion that the Petitioner



has violated the conditions imposed by this Court vide order dated 09.01.2023 in I.A. No.947 of 2022.

9. Upon being asked, the learned counsel for the State by referring to the records, submitted that a report has come from the I.I.C. of the concerned police station which indicates that the petitioner was appearing before the I.I.C. of the concerned police station regularly.

10. Keeping in view the aforesaid position, the order dated 09.01.2023 is modified to the extent that the condition with regard to appearance of the Petitioner in person before I.I.C., Chandrasekharpur Police Station, Bhubaneswar is hereby waived. However, the other conditions with regard to the Petitioner being restrained from entering into the Ravenshaw University Campus, Cuttack and not to make any attempt to either contact or come near the Intervener-Mrs. Bijayalaxmi Dash, shall remain in force. Further, it is made clear that violation of such conditions shall give a right to the Intervener-Mrs. Bijayalaxmi Dash to move an application for cancellation of the bail application.

11. With the aforesaid observations/ directions, the I.A. stands disposed of.

(A.K. Mohapatra)
Judge

Anil

Signature Not Verified

Digitally Signed
Signed by: ANIL KUMAR SAHOO
Reason: Authentication
Location: High Court of Orissa
Date: 28-Nov-2024 17:01:16

