

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 15578 of 2022

Habibur @ Sk. Habibur and others

Petitioners
Mr. B.K. Pardhi, Advocate

-versus-

State of Odisha

Opposite Party
Mr. P.C. Das, ASC

**CORAM:
JUSTICE A.K.MOHAPATRA**

ORDER
10.03.2023

I.A. No.393 of 2023

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This interlocutory application has been filed by the Petitioners for modification of the order dated 20.12.2022 passed by this Court in the aforesaid bail application.
3. Heard learned counsel for the Petitioners.
4. It is submitted by the learned counsel for the Petitioners that at the time of surrender, it came to knowledge that the Petitioners have three other criminal antecedents involving offence under Section 379 of I.P.C.
5. Considering such submission, the condition with regard to verification of criminal antecedents as mentioned in Paragraph-6 of order dated 20.12.2022 is modified to the extent that in the event it is found that the Petitioners have more than three criminal antecedents, then the order

dated 20.12.2022 shall not be given effect to. Further, the release of the Petitioners shall also be subject to furnishing a cash security of Rs.10,000/- (Rupees ten thousand) before the court in seisin over the matter which shall be kept in interest bearing fixed deposit account in the name of the court in any nationalized bank and renewed from time to time till disposal of the case. The said deposit shall be subject to the outcome of the trial.

6. In view of the aforesaid modification, the time to surrender of the Petitioners before the Court in seisin over the matter is extended by another four weeks from today subject to Petitioners depositing a sum of Rs.500/- (Rupees five hundred) in the Advocates' Welfare Fund of the Orissa High Court Bar Association within fifteen days hence and furnishing money receipt thereof in proof of deposit.

7. It is made clear that, if the cost is not deposited within the stipulated time, time extended for the Petitioners to surrender shall stand revoked automatically.

8. I.A. is disposed of accordingly.

9. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge