

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 16048 of 2022

Mitu Badajena @ Nrusingh Charan
Badajena

Petitioner
Mr. J. Sahoo, Advocate

-versus-

State of Odisha

Opposite Party
Mr. P.C. Das, ASC

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
07.02.2023

I.A. No.300 of 2023

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned counsel for the State.
3. This interlocutory application has been filed by the Petitioner for modification of the order dated 22.12.2022 passed by this Court in the aforesaid bail application.
4. On perusal of the interlocutory application, it appears that the Petitioner at the time of surrender came to learn that three other cases have been registered against him. Therefore, the Petitioner could not surrender before the court below as directed by this Court and move this Court for modification of order dated 22.12.2022.

5. Considering the submissions made by the learned counsel for the parties, the condition imposed by this Court in paragraph-5 of the order dated 22.12.2022 with regard to verification of criminal antecedent of the Petitioner stands modified to the extent that in the event it is found that the Petitioner has more than three criminal antecedents excluding the present case, then this order shall not be given effect to. Further, the release of the Petitioner shall also be subject to furnishing cash security of Rs.10,000/- (Rupees ten thousand) before the court in seisin over the matter which shall be subject to the final outcome of the trial.

6. In view of the aforesaid modification, the time to surrender of the Petitioner before the Court in seisin over the matter is extended by another four weeks from today subject to Petitioner 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 Petitioner 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