

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6651 of 2023

Amrut Prasad Behera

....

Petitioner

Mr. S.K. Bhanjadeo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. H.K. Panigrahi, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

14.12.2023

I.A. No.1528 of 2023

Order No.

04.

1. Heard learned counsel for the Petitioner and learned counsel for the State.

2. This I.A. has been filed for modification of order dated 26.06.2023.

3. It is submitted by the learned counsel that the Petitioner was released on bail by order dated 26.06.2023 and while releasing the Petitioner on bail in paragraph-8, the following condition was imposed considering the nature of accusation. The said paragraph is extracted hereunder:-

“8. Additionally it is directed that, the Petitioner shall appear before the jurisdictional police station once a week on such date and time to be fixed by the learned Court in seisin till submission of final form. Certification of such appearance shall be submitted to the Court in seisin.”

4. It is submitted by the learned counsel that the direction to appear before the jurisdictional police station once a week is creating hardship to the Petitioner, since the investigation is still going on. Hence, this I.A. seeking modification.

5. Learned counsel for the State places on record the instruction of the IIC that the Petitioner has not appeared regularly in terms of the order passed and hence the I.A. does not merit consideration.

6. It is submitted by the learned counsel, on instruction that on one or two occasions because of supervening circumstances owing to ill health, the Petitioner could not appear before the jurisdictional police station and there is no willful latches or negligence and it is submitted that the same ought not to deter this Court from considering the prayer for modification sympathetically.

7. Considering the nature of accusation, this Court is persuaded to modify the condition in paragraph-8 of the order dated 26.06.2023 and it is directed that the Petitioner shall appear once a month before the IIC, Khallikote Police Station, Ganjam within whose jurisdiction the Petitioner ordinarily resides, till the submission of final form.

8. Learned Court in seisin is requested to act in terms of the order dated 26.06.2023 in paragraph-8 as modified and the order passed today.

9. Other stipulations remain unaltered.

10. It shall be open to the prosecution to seek modification/cancellation of bail granted to the Petitioner, in the event the Petitioner does not appear once a month in the Khallikote Police Station as directed.

11. Copy of this order be made over to the learned counsel for the State to do the needful.

12. Accordingly, this I.A. stands disposed of.

13. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Ayesha

