

2023 LiveLaw (SC) 455

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
B.R. GAVAI; J., SANJAY KAROL; J.**

MAY 15, 2023

CRIMINAL APPEAL NO. 1503/2023 (ARISING @ SLP (Crl) No.3241/2023)

PRADHANI JANI versus THE STATE OF ODISHA

Bail - The Supreme Court has expressed concern over the practice prevailing in Orissa High Court whereby different bail applications arising out of same FIR are listed before different Benches of the High Court. Such practice leads to 'anomalous situation' as some accused may be granted bail by a Bench while some other accused persons (in the same crime) may be denied bail by a different Bench, notwithstanding that all of them are similarly placed in many cases.

(Arising out of impugned judgment and order dated 31-01-2023 in BLAPL No. 11629/2022 passed by the High Court of Orissa at Cuttack)

For Appellant(s) Mr. Jitendra Mohapatra, Adv. Mr. Bhuwan Raj, AOR Ms. Priyam Agarwal, Adv. Ms. Jasleen Kaur Sawhney, Adv.

For Respondent(s) Mr. Suvendu Suvasis Dash, AOR Ms. Swati Vaibhav, Adv. Ms. Shruti Vaibhav, Adv. Ms. Priyankoo Anjan Gogoi, Adv.

ORDER

1. Leave granted.
2. The appellant is aggrieved by the rejection of his application for bail.
3. The perusal of the paper books would reveal that various applications filed by various accused have been entertained by different learned Single Judges of the same High Court. In many of the High Courts, the practice followed is that the applications arising out of the same FIR should be placed before one Judge. However, it appears that it is not the practice in Orissa High Court. In the present case, we have come across orders passed by at least three different Judges in the applications of various accused arising out of same FIR.
4. Such a practice leads to anomalous situation. Certain accused are granted bail whereas certain accused for the very same crime having similar role are refused bail.
5. We, therefore, quash and set aside the impugned order dated 31.01.2023 and remand the matter back to the High Court. The High Court is requested to consider the effect of the orders passed by the other coordinate Benches and pass orders afresh. The same shall be done within a period of one month from today.
6. The Registrar (Judicial) of the Registry of this Court is directed to forward a copy of this order to the Registrar General of the Orissa High Court, who is requested to take note of the aforesaid and consider passing appropriate orders so that contrary orders in the same crime are avoided.
7. The appeal is, accordingly, allowed.
8. Pending application(s), if any, shall stand disposed of.