

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMA No. 159 of 2023

*Prasanta Kumar Jagadev*

....

*Petitioner*

*Mr. Manas Chand,  
Advocate*

*-Versus -*

*State of Odisha*

....

*Opposite Party*

*State Counsel*

**CORAM:**

**JUSTICE SASHIKANTA MISHRA**

**ORDER**

**13.06.2023**

**Order No.**

**1.**

1. This matter is taken up through hybrid mode.
2. Heard.
3. The petitioner was granted bail by the Apex Court in Criminal Appeal No.1029 of 2022 with certain conditions. Learned J.M.F.C., while allowing the petitioner to be released on bail imposed an additional condition that he shall appear before the Court on each date of posting. The petitioner prayed for modification under Section 439(1)(b) of Cr.P.C. seeking waiver of such condition. Learned 3<sup>rd</sup> Additional Sessions Judge, Bhubaneswar was not inclined to allow the same.
4. It is submitted that the petitioner is a public representative and is required to visit different places in connection with his public service and therefore, it would be difficult on his part to appear before the Court on each date of posting of the case but he undertakes to appear whenever it is necessary.
5. Learned State Counsel submits that the petitioner should

appear before the court as he was bailed out on the order of the Apex Court.

6. Considering the fact that the Apex Court while allowing bail to the petitioner has granted three specific conditions, this Court finds no reason to impose an addition condition directing the petitioner to appear before the Court on each date of posting of the case.

7. The CRLMC is therefore allowed.

8. The impugned order in so far as it relates to condition No.4 is hereby modified to the effect that the petitioner shall appear before the Court as and when required by the Court.

*(Sashikanta Mishra)*  
*Vacation Judge*



*B.C. Tudu*