

CRLA No.355 of 2015

Misc. Case No. 108 of 2017

Heard Sri Panda, learned counsel for the petitioner and Mrs. Saswat Pattnaik, learned Additional Government Advocate.

This is an application for release of the appellant- petitioner No.4, namely, Sk. Rahul @ Rahul @ Sk. Saheed on interim bail.

Mr. Panda, learned counsel for the petitioner submits that the first death anniversary of the father of appellant-petitioner No.4 will be observed on 21.08.2017 and presence of the petitioner is necessary for performing rituals associated with first death anniversary. It is his submission that previously the petitioner was released on interim bail vide order No.12 dated 15.09.2016 passed in Misc. Case No.1293 of 2016 to attend the rituals of 20th day of death of late father of the petitioner and he has not misused the liberty granted to him. Hence, he prays for release of the petitioner on interim bail for a period of fifteen days.

Mrs. Pattnaik, learned Additional Government Advocate vehemently opposes to such prayer and submits that the petitioner was released on interim bail for a day on 19th September, 2016 in police custody to participate in 20th day death ceremony of his late father and was re-lodged in the jail on the very same day when the rituals were over. Release of the petitioner may create law and order situation in the locality. Hence, she prays for rejection of the petition.

Considering the submissions made by learned counsel for the petitioner and taking into consideration that vide order No.12 dated 15.09.2016 of this Court, the petitioner was released on interim bail on 19th September, 2016, in police custody to participate in 20th day death ceremony of his father, we direct release of the petitioner on interim bail for two days, i.e., 21st and 22nd August, 2017 in police custody to attend first death anniversary of his late father. It is made clear that during the period of interim bail of the petitioner, there shall be no procession or slogans while the petitioner is brought in police custody. It is submitted that the petitioner is incarcerated in District Jail, Dhenkanal. After the aforesaid period of two days (21st and 22nd August, 2017) is over, the petitioner shall be re-lodged in the jail and an affidavit regarding compliance of this order shall be filed by the State.

The Misc. Case is accordingly disposed of.

Issue urgent certified copy of the order on proper application.

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I. Mahanty, J.

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K.R. Mohapatra, J.