



IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.9854 of 2023

Anita Senapati & Ors.

.....

Petitioners

Represented By Adv. -
Sangram Rath

-versus-

State Of Odisha

.....

Opposite Party

Represented By Adv. –
S.K. Parhi, A.S.C.

Raghunath Singh, Adv.
for Informant

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA

ORDER
20.08.2025

Order No.

07.

I.A. No.428 of 2024

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel appearing for the Petitioner in I.A. No.428 of 2024 as well as learned counsel for the Petitioner and learned counsel for the State.
3. I.A. No.428 of 2024 has been filed at the instance of the present Petitioner No.1 through a different lawyer with a prayer to recall order dated 25.09.2023 passed in ABLAPL No.9854 of 2023 in connection with Nimapara P.S. Case No.309 of 2023 which corresponds to G.R. Case No.880 of 2023 pending in the file of learned J.M.F.C., Nimapara. He also prayed for a direction to the accused persons to refund the amount of Rs.1,80,000/-



(Rupees One Lakh Eight Thousand) to the Petitioner No.1- Informant within a stipulated period of time.

4. Learned counsel for the I.A.-Petitioner at the outset contended that the bail application was filed wrongly indicating the name of the Informant as Petitioner No.1. However, on the basis of the submissions made by learned counsel for the Petitioners order dated 25.09.2023 was passed. On perusal of order dated 25.09.2023 it appears that on the basis of the statement made by learned counsel for the Petitioners that the Petitioners are ready and willing to refund the admitted dues and that the petitioners have no intention to cheat the informant. This Court although not grant anticipatory bail to the Petitioners, however, they were directed to surrender before the court below. On such release, they were directed to be released on bail subject to the terms and conditions to be fixed by the learned Magistrate. However, such release of the Petitioners were subject to the condition that the Petitioners shall refund Rs.1,80,000/- (Rupees One Lakh Eight Thousand) within a period of two months to the informant.

5. Learned counsel appearing for the Petitioners on the other hand contended the abovenoted bail application has been disposed of and the brief has been taken away. He further submitted that although he would try to contact with the Petitioners, however, he was unable to reach the Petitioners and that the Petitioners are not cooperating.

6. Learned counsel for the State on the other hand contended that the order dated 25.09.2023 has been passed on misrepresentation of facts. Therefore, the State-Opposite Party



also submitted the stands of the I.A.-Petitioner to recall order dated 25.09.2023.

7. Having heard the learned counsels appearing for the parties, on a careful examination of the background facts, further keeping in view the fact that the order dated 25.09.2023 was passed on misrepresentation of facts, this Court is inclined to exercise the inherent power to recall order dated 25.09.2023. Accordingly, order dated 25.09.2023 is hereby recalled.

8. In such view of the matter, the I.A. stands disposed of.

ABLAPL No.9854 of 2023

9. Further, the bail application stands disposed of by granting liberty to the Petitioner (Opposite Parties Nos.2 to 4 in the Interlocutory Application) surrender before the court below and move an application for bail. In such eventuality, the bail application shall be considered on its own merit. The Petitioner (Opposite Parties Nos.2 to 4 in the Interlocutory Application) are directed to surrender within four weeks from today, failing which it will be opened to the learned trial court to proceed in accordance with law and take back the Petitioner (Opposite Parties Nos.2 to 4 in the Interlocutory Application) in custody.

10. With the aforesaid observations/ directions the ABLAPL stands disposed of.

(A.K. Mohapatra)
Judge

Anil

Signature Not Verified

Digitally Signed
Signed by: ANIL KUMAR SAHOO
Designation: Junior Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 21-Aug-2025 12:00:57

