

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10054 of 2023

Nilam Kumar Swain

....

Petitioner

Mr. S.K. Sarangi, Sr. Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A.P. Das, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

22.01.2024

I.A. No.2865 of 2023

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard Mr. S.K. Sarangi, learned Senior Counsel appearing for the Petitioner as well as Mr. A.P. Das, learned Additional Standing Counsel appearing for the State-Opposite Party No.1.
3. This interlocutory application has been filed by the Petitioner seeking modification of the order dated 26.09.2023 passed by this Court in the aforesaid bail application.
4. It is submitted by Mr. S.K. Sarangi, learned Senior Counsel appearing for the Petitioner that the Petitioner has been allowed to go on bail on surrendering subject to certain terms and condition mentioned in order dated 26.09.2023. One of such condition is the Petitioner shall refund the entire amount, i.e. Rs.15,00,000/- which he had been taken from the purchaser. He further contended that although

the Petitioner is ready and willing to refund the money, however, the property, which is the subject matter of dispute, has been recorded in the name of the purchaser in the meantime. In the said context, learned Senior Counsel appearing for the Petitioner referred to the sale deed as well as the R.O.R. which has been annexed to the interlocutory application.

5. In such view of the matter, the order dated 26.09.2023 is hereby recalled.

6. The I.A. is, accordingly, disposed of.

ABLAPL No.10054 of 2023

7. Learned Senior Counsel appearing for the Petitioner is permitted to add the Informant as Opposite Party No.2 in the cause title of the bail application in Court today.

8. Accordingly, issue notice to the Opposite Party No.2 by registered post with A.D. fixing a short returnable date. Requisites be filed by day after tomorrow.

9. List this matter on 22nd February, 2024.

10. As an interim measure, it is directed that the Petitioner shall not be arrested in connection with Badagada P.S. No.40 of 2023, corresponding to C.T. Case No.64 of 2023, pending in the Court of learned J.M.F.C.(IV), Bhubaneswar, till the next date.

(A.K. Mohapatra)
Judge

Signature Not Verified

Digitally Signed
Signed by: DEBASIS AECH
Designation: Secretary
Reason: Authentication
Location: OHC, CUTTACK.
Date: 26-Jan-2024 10:56:43

