

**IN THE HIGH COURT OF ORISSA AT CUTTACK
WPCRL NO. 108 OF 2022**

Pramod Jena and another* *Petitioners

Mr. A.K.Nayak, Advocate

-versus-

State of Odisha and others* *Opposite Parties

Mr. S.S.Kanungo, AGA

**CORAM:
JUSTICE S. TALAPATRA
JUSTICE M.S.SAHOO**

ORDER

2.9.2022

Order No .

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1. This matter is taken up through hybrid mode.
2. Heard Mr. A.K.Nayak, learned counsel appearing for the petitioner.
3. This matter has been taken up on mention assigning urgency. Before taking up the matter, the copy of this petition was served on Mr. S.S.Kanungo, learned Additional Government Advocate.
4. Serious allegations have been made in this writ petition. By order dated 16.8.2022 delivered in BLAPL No.7075 of 2022, this Court having considered all attending circumstances and the interest of prosecution directed that the petitioners be released on bail on such terms to be fixed by the learned court in seisin in Tangi P.S. Case No. 217 of 2022 corresponding to G.R. Case No. 221 of 2022.
5. Mr. Nayak, learned counsel has stated that the concerned Judicial Magistrate First Class-cum-Gramyanayalaya, Tangi, Khurda, having perused the said order of bail was pleased to fix the conditions for bail, directing to furnish the bail bond of Rs.30,000/-, supported by two sureties of the like amount with

the documents relating to identification such as ROR, Aadharcard, Land Receipt, but when the learned counsel went to submit the bail bond, he was resisted by some persons claiming to be Members of the Tangi Bar Association, Khurda from approaching the Judicial Magistrate First Class-cum-Gramyanayalaya, Tangi. As a result, the J.M.F.C. could not accept the bail bond and the UTPs are still languishing in jail. As we understand that the situation around the court of JMFC, Tangi is not conducive for discharging the duty by an Advocate representing the UTPs. No right thinking person can but express serious concern as regards such situation, whatever the reason, there may be behind such action. Liberty is most precious under our constitutional frame work and under the Rule of law, no person whatever mighty he may be, can not be allowed to meddle with the liberty of individual. We hope good sense prevail. But if Mr. Nayak again is resisted while approaching the said court to furnish the bail bond in order to obtain release of the petitioners in terms of the order dated 16.08.2022 as aforementioned, there shall not be any obstruction, if any, that shall be removed. If Mr. Nayak, learned counsel does sense that there may be obstruction, he would report to the Superintendent of Police, Khurda. In the alternative, even before visiting the said court, Mr. Nayak, learned counsel may request the Superintendent of Police, Khurda to give escort so that he can protect the liberty of his clients, the petitioners herein.

6. Further, we do hereby direct, the Superintendent of Police, Khurda to provide necessary escort/securities to Mr. A.K.Nayak, an advocate practicing in this High Court, so that he can file the bail bond and comply the conditions as noted without any obstruction. The Judicial Magistrate First Class-cum-Gramyanayalaya, Tangi shall ensure that, the petitioners are released from jail in the course of the day. A copy of this order be furnished forthwith to Mr. S.S.Kanungo, learned Additional Government Advocate for transmitting the same to the Superintendent of Police, Khurda to afford the protection as directed by us. Copies also be provided to Mr. A.K.Nayak, learned counsel appearing for the petitioner for furnishing the same to the Superintendent of Police, Khurda as well as to the Judicial Magistrate First Class-cum-Gramyanayalaya, Tangi. For that reason two authenticated copies of this order be furnished to Mr. Nayak, learned counsel by the Registry forthwith and expectedly before 3.30 P.M. today.

7. In terms of the above, this writ petition stands disposed of.

(S.Talapatra)
Judge

(M.S.Sahoo)
Judge

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