IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMA No. 74 of 2026
CNR No. ODHC010409292026

Kanchan Das and another …. ***Petitioner(s)***
Mr. Sarojananda Mishra, Advocate

-versus-

State of Odisha …. ***Opp.Party(s)***
Mr. R.B. Dash, ASC
Mr. D. Barik, Advocate (O.P.2)

CORAM:
THE HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

ORDER

Order No. **02.09.2026**

04. **1.** Heard.

2. By invoking inherent jurisdiction of this Court under Section 483(3) BNSS, 2023, the petitioners are seeking cancellation of bail granted by this Court to the opposite party no.2 vide order dated 07.05.2026. However, the operating part of the order dated 07.05.2026 reads as under:-

> "…… *Violation of any of the conditions shall entail consideration for cancellation of the bail granted to the petitioner. In the event, any of the bail conditions are violated by the petitioner no.1, the prosecution is given liberty to move appropriate application before the Court below for recalling the concession of bail. If such application is moved, the trial Court should decide the application on its own merit."*

Hence, the cancelation of bail application ought to have been filed before the learned trial court, instead of the present petition.

3. Learned counsel for the petitioners submits that after grant of bail, opposite party no.2 has misused the concession granted to him, therefore, an FIR has been registered against him on 18.05.2026. Despite the same, the prosecution has not moved any application before the learned trial court seeking cancellation of bail, as has been directed by this Court while granting bail to the opposite party no.2.

4. Since this Court has already granted liberty to the prosecution to move application for cancellation of bail before the learned trial court in the event the conditions are violated by the accused-opposite party no.2, it is open for the informant to move to the learned trial court seeking cancellation of bail as has been directed by this Court in the operating part of the order dated 07.05.2026.

5. With the aforesaid observation, the CRLMA stands disposed of.

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Signed by: ASHOK KUMAR JAGADEB MOHAPATRA
Reason: Authentication
Location: High Court of Orissa
Date: 03-Sep-2026 12:15:39

(S.S. Mishra)
Judge