

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLMC No.3786 of 2012**

*Makar @ Subash Sahoo* .... *Petitioner*  
versus-  
*State of Orissa* .... *Opposite Party*

**CORAM: JUSTICE S. PUJAHARI**

**Order**  
**No.**

**ORDER**  
**25.04.2022**

12. 1. This matter is taken up through hybrid mode.
2. This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash the order of cognizance dated 30<sup>th</sup> June, 2002 passed by the learned J.M.F.C.(R), Cuttack in G.R. Case No.1146(A) of 2000.
3. Learned counsel for the Petitioner during course of argument submits that the Petitioner does not want to press this application since the Petitioner intends to surrender and move for bail before the court below. However, he submits that direction may be given to the courts below to dispose of the bail application of the Petitioner on the same day.
4. Considering the submission made, this CRLMC stands dismissed as not pressed. However, it is observed that if the Petitioner surrenders in the aforesaid case in the first hour before the court of J.M.F.C.(R), Cuttack within six weeks hence and makes a motion for bail, the learned J.M.F.C.(R), Cuttack shall consider and dispose of the same in accordance

with law during the first hour. In case of rejection of the bail application, the Petitioner may move for bail before the next higher forum in the second hour and in that event, the bail application of the Petitioner shall be considered and disposed of by the higher forum in accordance with law on the same day, if there is no other impediment.

5. It is stated that the co-accused persons have already been acquitted in this case. If that be so, the same shall be addressed in proper perspective.

6. It is made clear that this court has expressed no opinion on the merit of the case.

7. However, if the Petitioner makes a motion before the learned J.M.F.C. on rejection of his prayer that he is going to make motion for bail before the higher forum during the second hour, the case record be transmitted to the higher forum without awaiting the order of the higher forum. Cost, if any, shall be paid by the Petitioner.

8. The CRLMC is, accordingly, disposed of.

9. Urgent certified copy of the order be granted on proper application.

**(S. Pujahari)**  
**Judge**