

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.684 of 2022

Dibya Jagadala

....
Petitioner
Mr. D.R. Mishra, Advocate

-Versus-

State of Odisha

....
Opposite Party
Mr. S.S. Mohapatra, ASC
Mr. A.K. Budhia, Advocate for O.P.No.2

CORAM:
MR. JUSTICE R.K. PATTANAIK

Order
No.
03.

ORDER
31.10.2022

1. Heard counsel for the petitioner and learned counsel for the State besides learned counsel for the opposite party.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner challenging the impugned order under Annexure-3 whereby the learned court below has taken cognizance of offences under Sections 302, 201, 394 and 411 read with 34 IPC.
3. Learned counsel for opposite party No.2, namely, the informant submits that the chargesheet has been submitted under Section 302 IPC against all the accused persons including the petitioner. In response to the above, Mr. Panda, learned counsel for the petitioner submits that the petitioner stands chargesheeted only under Sections 394 and 411 read with 34 IPC.
4. The challenge is as to the impugned order of cognizance. Mr. Panda, learned counsel for the petitioner instead of pressing the matter on merit submits that in the meantime, the learned court below after issuance of summons and by order dated 13th June, 2022 issued a NBWA against the petitioner which is pending execution. It is drawn to the notice of the Court that the petitioner

was on bail by order dated 26th October, 2021, copy of which is at Annexure-3. According to Mr. Panda since the petitioner was on bail, he should be directed to surrender and released on bail subject to conditions in with G.R. Case No.168 of 2021 which is objected to by Mr. Budhia, learned counsel for opposite party No.2 and also Mr. Mohapatra, learned ASC.

5. Considering the above facts and submission of learned counsel for the petitioner and fact that the petitioner was on bail but subsequently NBWA was issued and the facts and circumstances of the case, the Court is of the view that the petitioner should instead be directed to surrender and go on bail. In other words, the challenge as to the impugned order of cognizance since not pressed, the Court does not either find any reason to interfere with the impugned order. However, it is inclined to direct the petitioner to surrender before the court below in connection with G.R. Case No.168 of 2021 within the stipulated time.

6. Accordingly, it is ordered.

7. In the result, CRLMC stands disposed of with a direction to the petitioner to surrender before the court of learned J.M.F.C., Binika, Subarnapur on or before 11th November, 2022 in connection with G.R. Case No.168 of 2021 arising out of Binika P.S. Case No.178 of 2021 and in the event of his surrender, the court shall release him on bail with conditions as deem just and proper in the facts and circumstances of the case.

8. An urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge