

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.885 of 2022

Rama Chandra Mallick @ Rama Mallik Petitioner
Mr. S.K. Bhanjadeo, Advocate

-Versus-

State of Orissa Opposite Party

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
25.11.2022

Order
No.

01.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The challenge in the present case is against the issuance of order of non-bailable warrant of arrest by the impugned order dated 8th December, 2021 in G.R. Case No.729 of 2021 corresponding to Khallikote P.S. Case No.338 of 2021 pending in the file of learned J.M.F.C., Khallikote on the grounds stated therein.
3. Learned counsel for the petitioner submits that two unknown persons committed the alleged mischief by throwing bombs during the incident consequent upon which the informant lodged the FIR and case was registered under Sections 4 and 5 of the Explosive Substances Act besides Section 307 read with 34 IPC.
4. It is submitted that the name of the petitioner does not appear in Annexure-1 and in the meantime, co-accused persons have been released on bail and in such view of the matter, similar relief should be allowed in favour of the petitioner which is objected to

by the learned counsel for the State on the ground that offences are grievous in nature.

5. Though the Court is not inclined to issue any such direction for the petitioner to surrender and go on bail as has been prayed for but is of the view that he should be allowed to surrender and apply for regular bail which would serve the purpose and meet the ends of justice.

6. Accordingly, it is ordered.

7. in the result, CRLMC stands allowed with a direction to the petitioner to surrender before the learned J.M.F.C., Khallikote on or before 16th December, 2022 in connection with G.R. Case No.729 of 2021 and in the event he surrenders and prays for regular bail, the court below shall consider the same during the 1st hour and in the event, the bail is refused to him, he shall have the liberty to approach the higher forum on the same day during the 2nd hour and renew the prayer for bail which shall be considered by the learned Sessions court on the same day with the plea of parity and to pass orders as per and in accordance with law, however, to facilitate such hearing, the LCR to be transmitted to the Sessions court at the cost of the petitioner.

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

(R.K. Pattanaik)
Judge