

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.919 of 2022

Hari Gouda.

....

Petitioner

-versus-

State of Odisha.

....

Opposite Party

CORAM: JUSTICE S.PUJAHARI

ORDER

21.07.2022

Order No.

02.

1. This matter is taken up through Hybrid mode.
2. The petitioner in this application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”) has prayed for quashing of the order dated 01.11.2010 passed by the learned J.M.F.C., Khallikote in G.R. Case No.394 of 2009 wherein N.B.W.(A) has been issued against him.
3. Heard the learned counsel for the petitioner and the learned counsel for the State.
4. During the course of hearing, it is submitted by the learned counsel for the petitioner that the petitioner does not want to press the aforesaid prayer, but submits that since the petitioner is now ready and willing to surrender before the Court below and move for bail, the Court in seisin over the matter may be directed

to release him on bail on any terms and conditions as it may deem just and proper.

5. Learned counsel for the State, however, vehemently opposes to release the petitioner on bail.

6. Considering the facts and submissions made, though this Court is not inclined to interfere with the impugned order, but directs that if the petitioner surrenders in the aforesaid case in the first hour before the learned J.M.F.C., Khallikote and makes a motion for bail, the learned J.M.F.C., Khallikote 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, so also taking note of the factum of acquittal of the co-accused persons, if there is no other legal impediment.

7. With the aforesaid order, this CRLMC stands disposed of.

8. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge

MRS