

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.929 of 2022

Nilamani Sethy @ Neela Sethy

....
Petitioner
Mr. S.R. Mulia, Advocate

-Versus-

State of Odisha

....
Opposite Party
Mr. T.K. Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
30.09.2022

Order
No.

02.

1. Heard Mr. Mulia, learned counsel for the petitioner and Mr. Praharaj, learned Standing Counsel for the State.

2. The limited prayer which is made in the present case is for quashing of the order of NBWA dated 7th September, 2021 issued by the court of learned J.M.F.C.(O), Bhubaneswar in connection with G.R. Case No.434/1979(A) on the grounds stated therein.

3. Learned counsel for the petitioner submits initially an FIR was lodged for the same occurrence in the year 1972 and was registered by Chandaka P.S. Case No.1 of 1972 and again, another FIR was lodged in 1979 which relates to the present case and considering the age of petitioner and the fact that two other accused persons involving in the same case have already been granted bail by this Court's orders dated 24th January, 2022 and 7th July, 2022 in CRLMC No.2897 and CRLMC No.477 of 2022 respectively, the petitioner should as well be directed to surrender and go on bail which would serve the purpose and meet the ends of justice. A

formal objection is received from Mr. Praharaj, learned counsel for the State.

4. The copies of the orders in the aforesaid CRLMCs have been produced by Mr. Mulia, learned counsel for the petitioner in Court today and the same are perused. In fact, the orders show that two other accused persons involved in the present case have been directed to surrender and released on bail which stringent conditions.

5. Having regard to the above facts and the fact that the occurrence is of the year 1979 and for a long time, the case is pending before the court below and a fresh NBWA was issued in the year 2021, the Court is of the view that the petitioner who is now aged about 72 years should be directed to surrender and released on bail subject to similar conditions as imposed vis-à-vis the other two accused persons pursuant to direction of this Court in disposed of CRLMCs.

6. Accordingly, it is ordered.

7. in the result, CRLMC stands disposed of with a direction to the petitioner to surrender before the learned J.M.F.C.(O), Bhubaneswar in connection with G.R. Case No.434/1979(A) on or before 21st October, 2022 and in the event, he surrenders, the court shall releasing him on bail subject to similar conditions as imposed vis-a-vis the other two accused persons.

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

(R.K. Pattanaik)
Judge

