

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1009 of 2022

Duryodhan Behera & others. ***Petitioners***

-versus-

State of Odisha. ***Opposite Party***

CORAM: JUSTICE S.PUJAHARI

ORDER
12.07.2022

Order No.

06.

1. This matter is taken up through Hybrid mode.
2. The petitioners in this application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”) have prayed for quashing of the order dated 01.02.2022 passed by the learned S.D.J.M., Angul in I.C.C. No.98 of 2021 taking cognizance of the offences under Sections 451, 452, 341, 294, 323, 324, 325, 326, 335 and 506/34 of IPC against them.
3. Heard the learned counsel for the petitioners and the learned counsel for the State.
4. Considering the facts and circumstances of the case, so also the submission advanced on behalf of the learned counsel

for the petitioners, this Court is not inclined to interfere with the impugned order.

5. Hence, giving liberty to the petitioners to raise all the contentions at the time of framing of charge, if charge has not been framed in the meanwhile, this CRLMC stands disposed of being dismissed.

6. However, since it is stated by the learned counsel for the petitioners that the petitioners are now ready and willing to appear before the Court below and move for bail, this Court directs that if the petitioners surrender and move for bail in the aforesaid case before the Court in seisin over the matter within six weeks hence, the Court in seisin over the matter shall consider and dispose of the same during the first hour in order to enable them to move the higher forum, in case of rejection of their prayer for bail, during the second hour. Reluctance of this Court to interfere with the order of cognizance should not impact the trial Court while considering the prayer for bail of the petitioners.

(S. Pujahari)
Judge

MRS