IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1104 of 2022

Bapun @ Amit Kumar Pradhan — Petitioner

Mr. A.R. Panda, Advocate

-Versus-

State of Odisha .... Opposite Party

Mr. Tapas Kumar Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER

Order No. | Order 24.08.2022

02. 1. Heard learned counsel for the petitioner and learned counsel for the State.

2. Present petition filed under Section 482 Cr.P.C. challenges the impugned order dated 6th January, 2022 passed by the learned court below in C.T. Case No.731 of 2021 on the grounds stated therein.

3. Instead of pressing the matter on merit, the learned counsel for the petitioner submits that during the investigation, the I.O. moved the court below for issuance of NBW which has been allowed but then the FIR is against unknown persons and there is no material against the petitioner except the confessional statement of the accused. It is further submitted that the petitioner should be directed to surrender before the court below in the facts and circumstances of the case and released on bail with conditions.

4. The Court perused the FIR and the charge sheet i.e. Annexure-2.

5. Even considering the above submission, the Court is not inclined to interfere with the order of NBW but then if so advised, the petitioner may surrender and move regular bail and in such an event, the same is to be considered on its own merit by the learned J.M.F.C, Basta on the same day keeping in view release of another co-accused on bail and in the event of rejection, he shall have the liberty to approach the higher forum, which is to consider and pass appropriate order on that day itself.

6. With the above direction, the CRLMC is disposed of.

(R.K. Pattanaik)
Judge

TUDU