

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1168 of 2022

Purastam Dash

....
Mr. D.K. Sahoo, Advocate

Petitioner

-Versus-

State of Odisha and Another

....
Mr. S.S. Mohapatra, ASC

Opposite Party

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
18.11.2022

Order
No.

01.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. In the instant case, the challenge is as to the order of cognizance dated 7th January, 2022 passed by the court of learned S.D.J.M., Kendrapara in G.R. Case No.1958 of 2021 on the stated grounds.
3. Learned counsel for the petitioner has referred to the contents of the FIR, statements of witnesses recorded under Section 161 Cr.P.C. to contend that during the occurrence, the petitioner alleged to have assaulted the victims but then the victims received simple injuries which is evident from the medical examination reports and while claiming so, the copies of the reports are made available to the Court. It is contended that although the order of cognizance dated 7th January, 2022 is challenged but then as other accused persons have entered appearance in the case, the petitioner

should be directed to surrender and released on bail since in the meantime, NBWA has been issued against him.

4. Mr. Mohapatra, learned counsel for the State on the other hand submits that the petitioner was primarily responsible for the alleged assault on the head of one of the victims and it was by means of a GI pipe and as a result, the victim had to be shifted and treated at SCB Medical College and Hospital, Cuttack and therefore, he strongly objects to the relief so also the release of the petitioner on bail in the event of his surrender as has been prayed for by the learned counsel appearing on his behalf.

5. The Court perused copy of the FIR to ascertain the circumstances leading of the report with the local police besides the chargesheet and medical examination reports of the victims which includes the victim who sustained a head injury. It is made to appear that the injured, namely, Chandan Sahoo received a cut injury on his head and the expert opinion in that respect is reserved.

6. Considering the facts of the case and circumstances under which the alleged occurrence took place and the manner of assault which was carried out by the petitioner though injured the victim and caused him a head injury which was by means of GI pipe, the Court is of the view that since other accused persons have been released on bail, the petitioner should be directed to surrender and allowed to go on bail. In other words, the Court does not find any reason to interfere with the impugned order as the learned court below rightly considered the materials on record and chargesheet and took cognizance of the alleged offences vide Annexure-1.

7. Accordingly, it is ordered.

8. In the result, CRLMC stands disposed of with a direction to the petitioner to surrender before the court of learned S.D.J.M., Kendrapara on or before 2nd December, 2022 in connection with G.R. Case No.1958 of 2021 and in the event he surrenders, the court below shall release him on bail subject to conditions and confirmation that he does not have any other criminal antecedent of similar nature.

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

(R.K. Pattanaik)
Judge



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