

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.5246 OF 2021

Sarat Chandra Nayak

....

Petitioner

Mr. H.N. Tirpathy, Advocate

-versus-

State of Odisha

....

Opposite Party

Ms. S. Mishra, ASC,

Mr. A.K. Pradhan, Adv. (Informant)

CORAM:

MR. JUSTICE D.DASH

ORDER

08.07.2022

Order No.

05.

1. This matter is taken up through hybrid arrangement (virtual/ physical) mode.
2. Learned Counsel for the Petitioner submits that in the present case, the Investigating Officer having submitted the report that the case is false one as against this Petitioner, on the protest made by the Complainant, the learned J.M.F.C.(R), Rourkela has taken cognizance of the offence under Section 323/341/294/506/12-B/354/395/366/34 of the IPC read with Section-25 of the Arms Act. He further submits that this order passed by the learned J.M.F.C. has been questioned by the Hon'ble Court by filing application under Section-482 of the Cr.P.C., which is sub-judice. It is his submission that the very purpose of filing protest petition is to somehow see that this Petitioner, who is having the reputation in the locality is defamed, humiliated and put to harassment. He further submits that the Petitioner being provided with interim protection by order dated 07.09.2021, he has not mis-utilized the same in any manner. In view of all these above, he urges for grant of anticipatory bail to the Petitioner.

3. Learned Counsel for the State as well as the learned Counsel for the Opposite Party No.2 not dispute the position that in this case, the Investigating Officer having filed the report as false; on the basis of protest petition filed by the Complainant, the learned Court below has taken cognizance of above offences.

4. Considering the submissions and on going through the nature of accusations; further keeping in view the surrounding circumstances of the case as also concerning the Petitioner and in the absence of any other impediment, it is directed that in the event the Petitioner surrenders before the Court in seisin of the case in connection with ICC Case No.35 of 2017 corresponding to G.R. Case No.664 of 2016 pending on the file of learned J.M.F.C.(R), Rourkela within three weeks hence and moves for his release on bail, he shall be released on bail on such terms and conditions as would be deemed just and proper by the said Court.

5. The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**

Narayan