

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1384 of 2022

Satyaprakash Rath and others *Petitioner*
-versus-
State of Odisha *Opposite Party*

CORAM: JUSTICE S. PUJAHARI

ORDER

06.07.2022

Order
No.

01. 1. This matter is taken up through hybrid mode.
2. This application under Section 482 of Cr.P.C. has been filed by the Petitioners with a prayer to quash the order of cognizance dated 19th February, 2021 passed by the P.O., Special Court under the S.C. & S.T. (PoA) Act, Cuttack in C.T. No.130 of 2019.
3. Heard the learned counsel for the Petitioners and the learned counsel for the State-Opposite Party.
4. Learned counsel for the Petitioners during course of argument submits that he does not want to press this petition since the Petitioners intend to surrender and move for bail before the court below. However, he submits that direction may be given to the court below to release the Petitioners on bail.

5. Considering the submission made, it is observed that if the Petitioners surrender and move for bail before the court in seisin over the matter in the aforesaid case giving ten clear days notice of such surrender to the I.I.C./I.O. concerned in order to enable them to intimate the same to the Informant to have his response on the bail application of the Petitioners by remaining present in the court in person or through counsel and also the I.O. to cause production of the case diary on the date of such surrender before the court concerned. Needless to say that on the date of surrender if the Petitioners furnish the proof to the court concerned regarding such notice, the court shall consider and dispose of their prayer for bail in course of the day on its own merit even in the absence of the Informant. It is made clear that this Court has expressed no opinion on the merit of the bail application in any manner. The up-to-date case diary be made available to the Court concerned by the Investigating Officer on the date of consideration of the prayer for bail positively.

6. With the aforesaid order, this CRLMC stands disposed of.

7. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge

DA