

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1742 of 2016

Raghunath Lenka

....

Petitioner

-versus-

State of Odisha and another

....

Opposite Parties

CORAM: JUSTICE S. PUJAHARI

ORDER

15.07.2022

Order

No.

07.

1. This matter is taken up through hybrid mode.
2. Mr. Amrit Prasad Acharya, learned counsel and his associate enter appearance on behalf of the Opposite Party No.2 by filing a Vakalatnama along with an affidavit after obtaining “No objection” from the previous counsel in Court today. The same be kept on record.
3. This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash the order dated 28th October, 2015 passed by the learned J.M.F.C., Dhamnagar in 1.C.C. No.62 of 2015, taking cognizance of the offences under Sections 294, 323, 341, 379 read with Section 34 of the I.P.C. and Section 3 of the S.C. & S.T. (PoA) Act has been taken.

4. Heard the learned counsel for the parties.

5. Learned counsel for the Petitioner during course of argument submits that he does not want to press this petition since the Petitioner intends to surrender and move for bail before the court below, as there is amicable settlement between the parties. However, he submits that direction may be given to the court below to release the Petitioner on bail.

6. Considering the submission made, it is observed that if the Petitioner surrenders and moves 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 Opposite Party No.2-Complainant to have his response on the bail application of the Petitioner 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 Petitioner furnishes the proof to the court concerned regarding such notice, the court shall consider and dispose of his prayer for bail in course of the day on its own merit even in the absence of the Opposite Party No.2-Complainant, taking note of the factum of compromise between the parties and also offences are not serious in nature. 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.

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

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

(S. Pujahari)
Judge

DA

