

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1549 of 2022

Babaji Jena and others *Petitioner*
-versus-
State of Odisha and another *Opposite Parties*

CORAM: JUSTICE S. PUJAHARI

ORDER

27.06.2022

Order
No.

- 02.
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 proceeding as well as the F.I.R., under Annexure-1, initiated against the Petitioners vide T.R. Case No.213 of 2022, arising out of Balipatana P.S. Case No.143 of 2022, pending in the court of Sessions Judge, Khordha at Bhubaneswar.
 3. Heard the learned counsel for the Petitioners and the learned counsel for the State-Opposite Party No.1.
 4. Petitioner has sought for quashment of the F.I.R. as it is a mala fide one.
 5. But, the F.I.R. discloses a cognizable offence and police is investigating into the veracity of the version in the F.I.R., this

Court, therefore, at this state is not inclined to quash the F.I.R. on the ground stated.

6. However, at this stage, learned counsel for the Petitioners submits that Petitioners intend to surrender before the court below and move for bail. As such, a direction may be given to the court below to dispose of the bail application of the Petitioners on the same day.

7. 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 Opposite Party No.2-Informant to have her 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 Opposite Party No.2-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.

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

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

(S. Pujahari)
Judge

DA

