

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1761 of 2022

Ranjan Kumar Mishra & others. ***Petitioners***

-versus-

State of Odisha. ***Opposite Party***

CORAM: JUSTICE S.PUJAHARI

ORDER
12.08.2022

Order No.

01.

1. This matter is taken up through Hybrid mode.
2. The petitioners in this application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”) have prayed for quashing of the order dated 21.05.2021 passed by the learned S.D.J.M., Bhadrak in G.R. Case No.721 of 2017 wherein N.B.W.(A) has been issued against them.
3. Heard the learned counsel for the petitioners and the learned counsel for the State.
4. It appears that the petitioners, who have been indicted in the aforesaid case, having not cooperate with the investigation, the police filed a petition before the Court below to issue N.B.W.(A) against them. Accordingly, the trial Court vide order dated 21.05.2021 issued N.B.W.(A) against them, which is under challenge in this petition.

5. During the course of hearing, it is submitted by the learned counsel for the petitioners that the petitioners do not want to press the aforesaid prayer, but submits that since the petitioners are now ready and willing to surrender before the Court below and move for bail, the Court in seisin over the matter may be directed to release them on bail on any terms and conditions as it may deem just and proper.

6. Learned counsel for the State, however, vehemently opposes to release the petitioners on bail.

7. Considering the facts and submissions made, though this Court is not inclined to interfere with the impugned order, but directs that if the petitioners surrender in the aforesaid case in the first hour before the learned S.D.J.M., Bhadrak within four weeks' hence and make a motion for bail, the learned S.D.J.M. shall consider and dispose of the same in accordance with law on the same day taking note of all the attending circumstances including release of co-accused persons on bail, if there is no other legal impediment.

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

MRS