

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.1309 of 2022

Manoranjan Dash @ Babu

....

Petitioner

Mr. Jyotirmaya Sahoo, Advocate

-versus-

State of Odisha and another

....

Opposite Parties

Mr. P.C. Das, ASC

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

08.07.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel for the State.
3. The present application has been filed by the Petitioner under Sections 226 and 227 of the Constitution of India for quashing of the entire proceeding in respect of the Petitioner in connection with Jankia P.S. Case No.31 of 2015, corresponding to T.R. Case No.84 of 2017, pending in the file of learned 1st Addl. Sessions Judge, Khurda.
4. Considering the submissions made by the respective parties and upon careful scrutiny of the case record and materials placed before this Court, this Court is not inclined to interfere in the matter by invoking jurisdiction under Articles 226 and 227 of the Constitution of India.

5. However, learned counsel for the Petitioner seeks liberty to surrender before the learned court in seisin over the matter and moves an application for bail. Considering such submission, the following order is passed in the factual background of the present case.

6. Let the Petitioner surrender before the learned 1st Addl. Sessions Judge, Khurda in T.R. Case No.84 of 2017, arising out of Jankia P.S. Case No.31 of 2015 on or before 22.08.2022. Seven days before the Petitioner surrenders before the said court, he or his counsel shall serve a copy of the bail application or such number of copies of the bail application on the learned Public Prosecution/Special Public Prosecutor, as required by him, for the purpose of notice to the victim or his/her counsel dependant.

7. Taking into consideration the nature of the offence as alleged against the Petitioner, it is directed that the bail application of the Petitioner shall be considered by the learned trial court on the same day on merit and disposed of.

8. The aforesaid order shall not be effective, if the injuries sustained by the victim/victims are near fatal and victim/victims are still in bad shape. But, if the injuries are otherwise lesser and the victim/victims is/are hale and hearty, this observation shall not be effective and the Petitioner's case may be considered favorably.

9. The CRLMP stands disposed of.

(A.K. Mohapatra)
Judge