

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.1310 of 2022

***Simanchal Pradhan @ Sima
Pradhan and another***

....

Petitioners

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 Petitioners under Sections 226 and 227 of the Constitution of India for quashing of the entire proceeding in respect of the Petitioners in connection with 1.C.C. Case No.2 of 2021, pending in the file of learned Sessions Judge-cum-Special Judge, Ganjam, Berhampur at Annexure-1.
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 Petitioners seeks liberty to surrender before the learned court in seisin over the matter and move an application for bail. Considering such submission, the following order is passed in the factual background of the present case.

6. Let the Petitioners surrender before the learned Sessions Judge-cum-Special Judge, Ganjam, Berhampur in 1.C.C. Case No.2 of 2021. Seven days before the Petitioners surrender before the said court, they or their 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 them, 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 Petitioners, it is directed that the bail application of the Petitioners 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 Petitioners' case may be considered favorably.

9. The CRLMP stands disposed of.

(A.K. Mohapatra)
Judge