

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1973 of 2022

Hara Prasad Nayak @ Hara Pratap
Nayak

....

Petitioner

Mr. S.R. Mulia, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. T.K. Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

Order
No.

01.

ORDER
19.09.2022

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner challenging the order of cognizance dated 12th September, 2017 passed in G.R. Case No.323 of 2015 pending in the file of learned J.M.F.C., Salipur on the grounds stated therein.
3. Perused the copy of the FIR which is at Annexure-1 and also charge sheet as at Annexure-2.
4. By the impugned order under Annexure-3, the learned court below has taken cognizance of the offence under Section 326 IPC and other allied offences by order dated 12th September, 2017 and thereafter, the petitioner was summoned by the court for appearance.
5. It is submitted that initially though the petitioner was on bail by virtue of the Courts order in BLAPL No.7314 of 2015 but in the meantime after completion of investigation, for a higher offence

the charge sheet has been filed including Section 326 IPC and then the court below has issued summons for appearance but and there is chance of remand in view of the fact that the said offence is punishable with imprisonment for life.

6. At this juncture, learned counsel for the petitioner submits that the petitioner should be directed surrender and go on bail before the court below and that would serve the purpose. In other words, instead of pressing the matter on merits, the learned counsel for the petitioner submits that justice would be met with such an order if the petitioner is released on bail on any terms and conditions and that apart, another accused is on bail and furthermore when the allegation as to assault stands against other accused persons as well.

7. Considering the above submission, the Court although is not inclined to interfere with the impugned order impugned order i.e. Annexure-2 but is of the view that the petitioner should be directed to surrender and go on bail.

8. Consequently, the CRLMC stands deposed of with a direction to the petitioner to surrender before the learned J.M.F.C., Salipur in connection with G.R. Case No.323 of 2015 corresponding to Mahanaga P.S. Case No.63 of 2015 on or before 30th September, 2022 and in the event of his surrender, the court shall release him on bail with conditions as deemed just and proper.

9. An urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

