

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2112 of 2022

Basturi Baliyarsingh and another Petitioners
Mr.B.P. Chhualsingh, Advocate

-Versus-

State of Odhsia Opposite Party
Mr.Pradip Kumar Rout, AGA

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
16.09.2022

Order No.

01. 1. Heard learned counsel for the petitioners and learned counsel for the State.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners with a prayer to set aside the order of cognizance dated 4th January, 2021 passed by the learned S.D.J.M., Balliguda in C.T. Case No.527 of 2020 arising out of Kotagarh P.S. Case No.82 of 2020 which is now pending before the learned J.M.F.C., Kotagarh on the grounds stated therein.
3. Perused the copy of the FIR at Annexure-1 and copy of the impugned order dated 4th January, 2021 as at Annexure-2 series.
4. Learned counsel for the petitioners submits that no case under Section 307 IPC is made out but then the petitioners apprehend remand in the event appear before the learned J.M.F.C., Kotagarh, Kandhamal since the offence involved is triable by a Sessions Court notwithstanding the fact that summons have been

issued to them. It is submitted that other the accused persons against whom Section 307 IPC is alleged are already on bail except the present petitioners and considering the fact that they are house wives, the Court may direct them to appear before the learned court below and released on bail on such terms and conditions as would be deemed just and proper.

5. Considering the limited prayer made and having regard to the allegations made in the FIR under Annexure-1, since other co-accused persons are on bail and the present petitioners only being summoned by the court, they should be directed to appear before and released on bail which would serve the purpose. Accordingly, it is ordered.

6. In the result, the CRLMC stands disposed of with a direction to the petitioners to appear before the learned J.M.F.C., Kotagarh on 30th September, 2022 in C.T. Case No.527 of 2020 arising out of Kotagarh P.S. Case No.82 of 2020 and in such an event, the court below shall release them on bail subject to conditions.

7. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge