

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2150 of 2022

Rashmi Ranjan Mahalik @ Sipa Petitioner
Mr. Ajit Kumar Sahoo, Advocate

-Versus-

State of Orissa Opposite Party
Mr. Priyabrata Tripathy, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
13.09.2022

Order No.

01. 1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The present petition under Section 482 Cr.P.C. has been filed by the petitioner for quashing the order of NBW dated 26th June, 2021 passed by the learned J.M.F.C., Baramba in G.R. Case No.34 of 2021 arising out of Baramba P.S. Case No.34 of 2021 on the grounds stated therein.
3. Perused the copy impugned order dated 26th June, 2021 as at Annexure-1 and copy of the FIR at Annexure-2 series.
4. Learned counsel for the petitioner submits that petitioner was shown as an absconder in the chargesheet and thereafter the court below directed issuance of NBW which is pending execution and under such circumstances, he should be directed to surrender and go on bail but the same is objected to by learned counsel for

the State on the ground that he has been charged for an offence punishable under Section 395 IPC.

5. The Court is however of the view that the impugned order under Annexure-1 suffers no legal infirmity and therefore, it calls for no interference.

6. Considering the submission of the learned counsel for the petitioner, the Court is inclined to grant liberty to the petitioner to surrender within a fortnight and move for bail before the learned J.M.F.C., Baramba in G.R. Case No.34 of 2021 arising out of Baramba P.S. Case No.34 of 2021.

7. Consequently, CRLMC stands dismissed with a liberty granted to the petitioner to surrender before the court below within a fortnight from today in connection with the above case and move for bail and in the event his bail is rejected, he may renew the prayer which shall be considered by the higher forum on the same day but on merits and in accordance with law and if any parity is pleaded, the same shall be examined and considered in accordance with law.

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

(R.K. Pattanaik)
Judge