

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2372 of 2015

Bapi @ Jyoti Samrat Praharaj

....

Petitioner

-versus-

State of Odisha

....

Opposite Party

CORAM: JUSTICE S.PUJAHARI

ORDER

17.08.2022

Order No.

05.

- 1.This matter is taken up through Hybrid mode.
2. Heard learned counsel for the Petitioner and learned counsel for the State.
- 3.This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash the FIR in connection with Salipur P.S. Case No.81 of 2013 corresponding to G.R. Case No.355 of 2013 pending in the court of learned J.M.F.C., Salipur on the ground of acquittal of the co-accused persons.
4. Needless to say that acquittal of the co-accused in the same case on the same evidence is also no ground for acquittal of another accused convicted, is well settled law. Therefore, as the co-accused persons had faced the trial and they have been acquitted, if the Petitioner faces the trial hereinafter would be an abuse of the process of the court, hence the proceeding against

him be quashed, is of no substance. Accordingly this CRLMC being devoid of merit stands dismissed.

5. However, if the Petitioner surrenders before the court in seisin over the matter and moves for bail within four weeks' hence, the court in seisin over the matter shall taking into consideration the fact that the co-accused persons have been acquitted in the aforesaid case so also taking note of the law laid down by the apex Court in the case of **Satender Kumar Antil vrs. Central Bureau of Investigation & another**, reported in **2021 (II) OLR (SC) 981** as well as **Satender Kumar Antil vrs. Central Bureau of Investigation** (Miscellaneous Application No.1849 of 2021 in Special Leave Petition (Crl.) No.5191 of 2021 disposed of on 11th July, 2022), shall consider and dispose of the bail application of the Petitioner.

6. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge

PKS