

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1570 OF 2021

Phiroj Kumar Sahu

..... *Petitioner*
Mr. Laxman Pradlhan, Adv.

-versus-

State of Odisha

..... *Opposite Party*
Mr. K.K. Gaya, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
11.03.2022

Order No.

04.

1. This matter is taken up through Hybrid Mode.
2. Heard Mr. Laxman Pradhan, learned counsel for the petitioner and Mr. K.K. Gaya, learned Additional Standing Counsel for the State.
3. This is an application under Section-482 Cr.P.C. for quashing the proceeding on the file of the learned J.M.F.C., G. Udayagiri in connection with G.R. Case No. 346 of 2016 arising out of Tikabali P. S. Case No. 108 of 2016.
4. Taking into consideration the facts and submissions, this CRLMC is disposed of with the observation that the petitioners, if so advised, may surrender before the learned J.M.F.C., G. Udayagiri in connection with G.R. Case No. 346 of 2016 arising out of Tikabali P. S. Case No. 108 of 2016 within fifteen (15) days from today. In the event of his surrender and motion for bail,

the application for bail shall be considered by the learned J.M.F.C., G. Udayagiri on merit in accordance with law, in the first hour of the day. In the event of rejection of the prayer for bail by the J.M.F.C., G. Udayagiri, the petitioner is at liberty to move the higher forum for bail in the second hour on the same day. On being so moved, the higher forum shall dispose of the bail application of the petitioner on the same day on merit in accordance with law. The Case Diary be made available to the concerned Courts to facilitate disposal of the bail application of the petitioners, and learned J.M.F.C., G. Udayagiri is directed to transmit the case record to the higher forum in the second hour, in the event of rejection of the bail application by him.

5. Ground of parity, if any, may be considered by the learned Court below on same being canvassed by learned counsel for the petitioner at the time of consideration of the bail application.

6. Till then, no coercive action shall be taken against the petitioner.

7. The CRLMC is disposed of accordingly.

8. Urgent certified copy of this order be granted as per rule.

(V.Narasingh)
Judge

Balaram