

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2605 of 2022

Santosh Nayak and others

....

Petitioners

Mr. Biswaranjan Dalai, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. Pradip Kumar Rout, AGA

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

12.10.2022

Order No.

01.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. Learned counsel for the petitioners instead of pressing the matter on merit submits that the petitioners may be directed to surrender before the court of learned S.D.J.M., Bhubaneswar and apply for bail, which would serve the purpose. In fact, the petitioners in the present case have challenged the order of cognizance dated 19<sup>th</sup> June, 2017 passed by the learned S.D.J.M., Bhubaneswar in C.T. Case No.646 of 2017 arising out of Dhauli P.S. Case No.19 of 2017 on the grounds stated therein.
3. In view of the limited prayer made, this Court is of the view that liberty should be granted to the petitioners to surrender before the learned S.D.J.M., Bhubaneswar and in case their bail

stands rejected, they may approach the higher forum and renew the prayer for release.

4. With the above, the CRLMC stands disposed of with a direction to the petitioners to surrender before the learned S.D.J.M., Bhubaneswar on or before 28<sup>th</sup> October, 2022 in connection with C.T. Case No.646 of 2017 arising out of Dhauli P.S. Case No.19 of 2017 and in the event of their surrender, the court below shall consider the plea of bail on merit and pass appropriate order in accordance with law and in case, the same is rejected then they shall approach the higher forum on the same day and the learned Sessions court shall consider the prayer for release and pass order on that day itself and for the said purpose, case diary and other records shall be made available to the court at the cost of the petitioners. Further the plea of parity if raised by the petitioners shall also be considered by the courts below as per and in accordance with law.

5. Issue urgent certified copy of this order as per rule.

(R.K. Pattanaik)  
Judge