

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2680 of 2022

Prasant Kumar Naik @ Prasant Naik Petitioners
and Others

Mr. Amitav Tripathy, Advocate

-Versus-

State of Odisha Opposite Party
Mr. T.K. Praharaj, S.C.

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
16.11.2022

Order No.

01. 1. Heard learned counsel for the petitioners and learned counsel for the State.
2. In the instant case, challenge is as to the order of cognizance dated 23rd April, 2018 passed in G.R. Case No.385 of 2017 arising out of Khandapada P.S. Case No.235 of 2017 pending in the file of learned J.M.F.C., Khandapada on the grounds stated therein.
3. However, with a limited prayer, Mr.Amitav Tripathy, learned counsel for the petitioners submits that he does not want to challenge the order of cognizance under Annexure-1, however, since NBWAs have been issued and pending execution against the petitioners, who are husband and in-laws of the informant, at least, considering the fact that all of them had been granted bail in ABLAPL No.12718 of 2017, they should be directed to surrender and go on bail subject to any terms and conditions as would be fixed by the learned court below.

4. Objection is received from the side of learned Standing Counsel for the State for release of the petitioners on bail.
5. The order of this Court in ABLAPL No.12718 of 2017 is perused whereby the petitioners were directed to surrender before the learned court below within a stipulated time and move for bail subject to certain terms and conditions as fixed by the Court. But then, the said order is of the year 2018.
6. Mr. Tripathy, learned counsel for the petitioners submits that due to unavoidable circumstances, the petitioners could not avail the benefit granted by this Court in ABLAPL No.12718 of 2017 and therefore, a further opportunity may be granted to the petitioners to surrender. Having regard to the nature of allegations and the fact that petitioners are in-laws and husband of the informant in the criminal proceeding corresponding to G.R. Case No.385 of 2017, the Court is of the view that the petitioners should be directed to surrender and go on bail subject to conditions, which would serve the purpose for the present.
7. Accordingly, it is ordered.
8. Consequently, the CRLMC stands allowed with a direction to the petitioners to surrender before the learned J.M.F.C., Khandapada on or before 2nd December, 2022 in G.R. Case No.385 of 2017 arising out of Khandapada P.S. Case No.235 of 2017 and in the event of surrender, learned court below shall consider the same and release the petitioners on bail on such terms and conditions as would be deemed fit and proper in the facts and circumstances of the case.
9. Issue urgent certified copy of this order on proper application.

(R.K. Pattanaik)
Judge