

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2713 of 2022

Ranjit Samal

....
Mr. S.R. Subudhi, Advocate

Petitioner

-Versus-

State of Odisha

....
Mr. T.K.Praharaj, SC

Opposite Party

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
10.10.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. Instant petition under Section 482 Cr.P.C. is filed for quashing of the impugned order dated 29th November, 2021 passed in G.R. Case No. 1512 of 2021 by the learned SDJM, Talcher on the grounds stated therein.
 3. Perused the copy of the F.I.R. which is at Anneuxre-1.
 4. In fact, pursuant to the lodging of the F.I.R. Kaniha P.S. Case No. 214 of 2021 was registered under Sections 307 IPC and other allied offences. It was in respect of an incident dated 18th August, 2021 during which about 100 to 200 villagers had assembled and stopped the mining activities and allegedly committed the mischief which stands described elaborately in the F.I.R.
 5. Learned counsel for the petitioner submits that the name of the petitioner does not find a mention in the F.I.R. and his house is

located at a distance of 2 kms. from the spot and therefore, he could be not present at the scene of occurrence.

6. Mr. Praharaj, learned counsel for the State on the other hand submits that the petitioner and many other have been charge sheeted whereupon the learned court below have taken cognizance of the offences.

7. Considering the nature of allegations of the F.I.R. showing involvement of the large number of men and women during the incident, the Court is of the view that no ground is made out for any interference, in so far as the order of cognizance dated 29th November, 2021 under Annexure-2 is concerned which is based on the outcome of the investigation.

8. At this juncture, learned counsel for the petitioner submits that the petitioner should be granted liberty to raise all such grounds at the time of framing of charge and since in the meantime, NBWA has been issued against him, he should be directed to surrender and allowed to go on bail which would serve the purpose and meet the ends of justice.

9. Considering the above submission, the Court is though not inclined to interfere with the impugned order under Annexure-2 but the is of the view that the petitioner should be directed to surrender and released on bail considering the nature of allegations and the circumstances leading to the lodging of the F.I.R.

10. Consequently, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned court of S.D.J.M., Talcher on or before 28th October, 2022 in connection with G.R. Case No. 1512 of 2021 arising out of Kanhia P.S. Case No.214 of 2021 and in

the event of his surrender, the court shall release him on bail with subject to conditions with liberty granted to raise all such grounds at the time of framing of charge which on being so urged, the court shall do well to pass appropriate order thereon as per and in accordance with law.

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

(R.K. Pattanaik)
Judge

