

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2827 of 2022

Debashish Naik

....

Petitioner

Mr. Arun Kumar Das 1, Advocate

-Versus-

State of Orissa

....

Opposite Party

Mr. T.K. Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
18.10.2022

Order No.

01.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The present challenge is as to the impugned order of cognizance dated 27th July, 2020 passed by the learned S.D.J.M., Hindol in G.R. Case No.111 of 2018 arising out of Kantabania P.S. Case No.44 of 2018 on the grounds stated therein.
3. Instead of pressing the matter on merit, learned counsel for the petitioner submits that as NBWA is pending execution against the petitioner, he should instead be directed to surrender and allowed to go on bail.
4. Mr.Praharaj, learned Standing Counsel on the other hand submits that the petitioner along with other accused persons involved in the present case have been alleged of the offence under Section 395 IPC and chargesheet has been filed, consequent upon

which, impugned order dated 27th July, 2022 was passed by the learned court below and cognizance has been taken thereof.

5. Considering the limited prayer involved herein, the Court is of the view that the petitioner should be directed to surrender before the Court of learned S.D.J.M., Hindol and move for regular bail, which shall be considered on its own merit keeping in view the fact that some of the co-accused persons have already been released on bail in the meantime. Accordingly, it is ordered.

6. In the result, CRLMC stands disposed of.

7. This Court directs the petitioner to surrender before the learned S.D.J.M., Hindol on or before 1st November, 2022 in G.R. Case No.111 of 2018 arising out of Kantabania P.S. Case No.44 of 2018 and in the event of surrender and move for bail, the same shall be considered in accordance with law. In the event of rejection, liberty is granted to the petitioner to move the higher forum on the same day and renew for bail, which shall be disposed of on the same day considering the plea of parity and for the said purpose, the case diary shall be made available to the Sessions court at the cost of the petitioner.

8. Issue urgent certified copy of this order on proper application.

(R.K. Pattanaik)
Judge

U.K.Sahoo