

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2859 of 2022

Chinmaya Nayak and another

.... Petitioners
Mr. Debasnan Das, Advocate

-Versus-

State of Odisha and another

.... Opposite Parties
Mr. P.K. Rout, AGA, OP No.1
None for OP No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
17.10.2022

Order No.

01.

1. Heard learned counsel for the petitioners and learned Additional Government Advocate for the State.
2. Instant case under Section 482 Cr.P.C. has been filed by the petitioners challenging the order dated 18th July, 2022 passed by the learned Additional Sessions Judge-cum-Special Judge, Jagatsinghpur in connection with C.T. No.09 of 2019 arising out of Tirtol P.S. Case No.19 of 2019 on the grounds stated therein.
3. Learned counsel for the petitioner submits that the petitioners have been arrayed as an accused and faced trial by the court below invoking Section 319 Cr.P.C. It is submitted that learned court below issued summon against the petitioners and directed to appear before the court on 19th August, 2022. Accordingly, it is prayed that the petitioners may be released on bail in the terms and conditions as would be fixed by the learned court below.

4. In other words, Mr. Das, instead of pressing the matter on merit seeks liberty to surrender before the learned court below and released on bail on such terms and conditions as fit and proper in the best interest of justice.

5. Considering the above submission, the Court is of the view that the petitioners should be allowed to go on bail on their appearance before the learned court below in C.T. No.09 of 2019 arising out of Tirtol P.S. Case No.19 of 2015 which would rather serve the purpose. Accordingly it is order.

6. Consequently, the CRLMC stands disposed of with a direction to the petitioners to appear before the learned Additional Sessions Judge-cum-Special Judge, Jagatsinghpur on or before 26th October, 2022 in C.T. No.09 of 2019 arising out of Tirtol P.S. Case No.19 of 2019. In such event, learned court below session over the matter shall release them on bail on such terms and conditions as would be deemed just and proper in the facts and circumstances of the case. Liberty is also granted to the petitioners to raise all the grounds as are available to them in law at the time of framing of charge.

7. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge

U.K. Sahoo