

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2875 of 2022

Gouraba Sahoo @ Gouraba Barenya
Sahoo

....

Petitioner

Mr. A.R.Panda, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. Pradip Ku.Rout, AGA

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

19.10.2022

Order No.

01. 1. Heard learned counsel for the petitioner and Mr. Praharaj learned counsel for the State-opposite party No.2.
2. In the present case, the challenge is as to the criminal proceeding pending before the learned SDJM, Jajpur in connection with C.T. Case No. 516 of 2022 corresponding to Binjharpur P.S. Case 167 of 2022 on the grounds stated therein.
3. Learned counsel for the petitioner instead of pressing the matter on merits submits that the petitioner is on similar footing like two other accused persons, who have been granted bail in ABLAPL No.2958 of 2022 by order dated 19th April, 2022 and therefore, at least he should be directed to surrender and apply for bail claiming parity. While contending so, learned counsel for the petitioner refers to the statement of the witness, namely, Hare Krushna Jena which is at Annexure-2 and also other statements recorded under Section 161 Cr.P.C. to suggest that the petitioner and others entered inside the booth and said to have committed the overt acts which was during the

general election. It is submitted that the petitioner did not carry out any assault during incident.

4. Having regard to the nature of allegations and submission of the learned counsel for the petitioner, the Court is of the view that the petitioner should be directed to surrender before the learned court below in connection with C.T. Case No. 516 of 2022 and apply for regular bail.

5. Accordingly, it is ordered.

6. In the result, CRLMC stands disposed of with a direction to the petitioner to surrender before the court of learned SDJM, Jajpur on or before 4th November, 2022 in connection with C.T. Case No. 516 of 2022 corresponding to Binjharpur P.S. Case No. 167 of 2022 pending before the court of learned SDJM, Jajpur and in case he surrenders within the stipulated time and applies for bail, the same shall be considered by the court on its own merit and in case of rejection, he shall be at liberty to approach the higher forum during the second hour for which he is to bear all the costs in transmitting the case diary and other connected records and in the event, the bail is prayed for, learned Sessions court shall do well and pass appropriate order in accordance with law.

7. However, it is made clear that the above order shall not be given effect to, if the petitioner is having criminal antecedents which shall be verified by the courts below before passing orders.

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

(R.K. Pattanaik)
Judge