

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2916 of 2022

Pravata Kumar Bliarsingh @ Pravata
Baliarsingh

....

Petitioner

Mr. S. Dwibedi, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. T.K. Praharaj, SC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

18.10.2022

Order
No.
01.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. Present challenge is as to the issuance of non-bailable warrant or arrest against the petitioner by the impugned order dated 19th February, 2021 passed by the learned J.M.F.C., Bhopur in connection with G.R. Case No.141 of 2019/116 of 2019 corresponding to Fategarh P.S. Case No.70 of 2019 on the grounds stated therein.
3. Copy of the impugned order is at Annexure-1 whereby the learned court below on the prayer of the IO issued a NBWA against the petitioner and fixed the case for his production on 4th March, 2021.
4. Learned counsel for the petitioner submits that NBWA issued against the petitioner is pending execution. It is further submitted that a counter FIR was lodged in connection with the alleged incident and registered as Fategarh P.S. Case No.70 dated 5th May, 2019, whereas, the informant on the very same date lodged

the present FIR, a copy which is at Anenxure-2, involving the petitioner and 12 others. According to the learned counsel for the petitioner, dispute was with regard to disposal of a tree in auction during the time of last cyclone and in that connection, parties lodged the FIRs whereupon cases have been registered. It is submitted that in so far as the incident is concerned, other accused persons, who were arrested have been granted bail in the meantime and as far as the injury of the victim is concerned, as it appears from the chargesheet, he suffered it on his leg with an opinion that such injury might have been caused by a hard and blunt object. A certified copy of the chargesheet in connection with the Fategarh P.S. Case No.70 of 2019 is produced before the Court and the same is perused.

5. The incident is of the year 2019. It was during cyclone that fallen tree in cyclone was put to auction and in that the parties had a dispute and thereafter the incident happened consequent upon which both sides lodged the FIRs against each other. In so far as the petitioner is concerned, on the prayer of the IO, the learned court below issued NBWA against him.

6. Having regard to the above facts and recording the submission of the learned counsel for the petitioner that 12 other accused persons have already been on bail and the fact that only a single person received injury and although it was grievous, the Court is of the view that though the learned court below did not commit any error or wrong in issuing a non-bailable warrant of arrest and thus, not to be interfered with is of the further view that the petitioner against whom NBWA is pending execution should be directed to surrender and go on bail.

7. Accordingly, it is ordered.

8. In the result, CRLMC stands deposed of with a direction to the petitioner to surrender before the learned J.M.F.C., Bhapur on or before 4th November, 2022 in connection with G.R. Case No.141 of 2019/116 of 2019 corresponding to Fategarh P.S. Case No.70 of 2019 and in the event of his surrender, the court shall release him on bail subject to conditions.

9. An urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

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