

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2938 of 2022

Tikan Samal

Petitioner

Mr. S.K. Panda, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. S. Mishra, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

28.10.2022

Order
No.

01.

01. Heard learned counsel for the petitioner and learned counsel for the State.

02. Instant petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the FIR in connection with Motanga P.S. Case No.167 of 2021 corresponding to G.R. Case No.995 of 2021 pending in the court of learned S.D.J.M., Dhenkanal on the grounds stated therein.

03. Copy of the FIR which is at Annexure-1 is perused by the Court. Learned counsel for the petitioner submits that the chargesheet has been filed against the petitioner and others under Sections 307 IPC and allied offences but then he has been shown as an absconder. It is submitted that there was a dispute between the company officers and the villagers and the incident happened when the latter said to have committed the alleged mischief. However, without pressing the matter on merit, learned counsel for the petitioner submits that as the chargesheet is filed, the petitioner is prepared to surrender but with a direction that he shall be released on bail subject to conditions. While claiming for such a relief, learned counsel for the petitioner refers to the medical examination report of one of the victims who received a simple injury.

04. Having regard to the circumstances under which the alleged incident took place and participation of many other persons besides the petitioner who said to have assaulted the officials of the company and caused a simple injury to the victim and the fact that the investigation stands concluded with the chargesheet submitted, the Court is of the view that the petitioner who has been shown as an absconder should be directed to surrender and released on bail.

05. Consequently, CRLMC stands disposed of with a direction to the petitioner to surrender before the court of learned S.D.J.M., Dhenkanal in connection with G.R. Case No.995 of 2021 corresponding to Motanga P.S. Case No.167 of 2021 on or before 11th November, 2022 and in the event he surrenders, the court shall release him on bail with conditions as deem just and proper in the facts and circumstances of the case.

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

(R.K. Pattanaik)
Judge

TUDU