

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2969 of 2022

Pakuni @ Prakash Pradhan

....  
Mr. Ranjit Mohanty, Advocate

**Petitioner**

-Versus-

State of Odisha & Another

....  
Mr. Tapas Ku.Praharaj, SC

**Opposite Parties**

CORAM:  
MR. JUSTICE R.K. PATTANAİK

**ORDER**  
**23.11.2022**

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State-opposite party No.1.
  2. Prayer in the present case is for quashing of the F.I.R. dated 25<sup>th</sup> August, 2021 corresponding to Pattamundai P.S. Case No. 519 of 2021 in connection with G.R. Case No. 519 of 2021 pending in the court of learned JMFC, Pattamundai.
  3. Perused the copy of F.I.R. i.e. Anneuxre-1.
  4. Learned counsel for the petitioner submits that later to the lodging of the F.I.R., Pattamundai P.S. Case No. 519 dated 26<sup>th</sup> August, 2021 was registered under Section 307 IPC and other allied offences. It is further submitted that two other accused persons

have already been released on bail by the orders of this Court. It is claimed that the principal accused is on bail and since the petitioner is on better footing, he should be granted a similar relief. In other words, learned counsel for the petitioner does not press the matter on merit but prays that the petitioner should be directed to surrender and apply for bail claiming parity which is objected to by Mr. Praharaj, learned counsel for the State on the ground that there is a case made out against him.

5. While demanding for a direction to the petitioner to surrender and apply for bail, learned counsel appearing for him submits that the victims have not received any grievous injury on account of alleged assault. In support thereof, the certified copies of the medical examination reports of the informant and other victim are produced. The Court finds that the informant did not have any visible external injury at the time of his medical examination, whereas, his nephew/victim had two injuries one being incised wound and another, a contusion and both are simple in nature, the former might have been caused by a sharp object but the latter could be on account of an assault by hard and blunt object. Admittedly, there is no grievous injury found on the person of the informant's nephew. The other two accused persons have been granted bail which is evident from Anneuxre-2.

6. Considering the limited prayer of the learned counsel for the petitioner and having regards to the above facts, the CRLMC stands disposed of with a direction to the petitioner to surrender before the court of learned JMFC, Pattamundai on or before 14<sup>th</sup> December, 2022 in G.R. Case No. 519 of 2021 corresponding to

P.S. Case No. 519 of 2021 and in the event he surrenders and applies for bail, the same shall be considered by the court below on merit and in the event it is rejected, he shall have the liberty to approach the higher forum which shall be considered by the learned Sessions court and appropriate orders to be passed thereon as per and in accordance with law considering the plea of parity.

7. Urgent certified copy of this order be issued as per rules.

