

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3067 of 2022

Prakash Chandra Das @ Mitu

....

Petitioner

Mr. P.K. Dalai, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. S.S. Mohapatra, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

01.11.2022

Order
No.

01.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The prayer in the present case is for quashing of the criminal proceeding in connection C.T. Case No.120 of 2016 corresponding to Nayapalli P.S. Case No.11 of 2016 pending in the file of learned S.D.J.M. Bhubaneswar on the grounds stated therein.
3. Copy of the FIR is at Annexure-1 and the same is perused.
4. Learned counsel for the petitioner submits that the co-accused has been released on bail in the year 2016, however, the chargesheet was submitted showing the petitioner as an absconder, whereupon, the learned S.D.J.M., Bhubaneswar issued non-bailable warrant of arrest which is pending execution and considering the nature of allegations in Annexure-1, he should be directed to surrender and apply for regular bail. Mr. Mohapatra, learned counsel for the State submits that the petitioner had approached this Court for anticipatory bail which was however rejected the fact which is not disputed by the learned counsel appearing on his behalf.

5. Having regard to the above facts and the limited prayer which is made by the learned counsel for the petitioner instead of pressing the matter on merit, this Court is of the view that the petitioner should be allowed to surrender and move the learned court below for regular bail by claiming parity.

6. Accordingly, it is ordered.

7. In the result, CRLMC stands disposed of with a direction to the petitioner to surrender before the court of learned S.D.J.M., Bhubaneswar on or before 18th November, 2022 in connection with C.T. Case No.120 of 2016 arising out of Nayapalli P.S. Case No.11 of 2016 and in the event, he surrenders within the stipulated time and prays for bail, the same shall be considered by the learned court below on merit. In the event of rejection, liberty is granted to him to approach the Sessions court during the second hour which shall be considered and appropriate orders to be passed thereon in accordance with law.

8. Urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge