

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3086 of 2022

Bidhan Chandra Panigrahi

....

Petitioner

Mr. Biswajit Mohanty, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. Tapas Ku.Praharaj,SC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

04.11.2022

Order No.

01.

1. Heard learned counsel for the petitioner and learned counsel for the State-opposite party.

2. In the present case, the prayer is for quashing of the criminal proceeding in G.R. Case No.408 of 2017 arising out of Jagannath Prasad P.S. Case No. 89 of 2017 pending in the file of learned J.M.F.C., Jagannath Prasad on the grounds stated therein.

3. Perused a copy of the F.I.R. which is at Annexure-1.

4. The petitioner is said to have been chargesheeted along with two other accused persons in the meantime as informed to the Court by the learned counsel appearing for him.

5. It is submitted that the incident is of the year 2017 and claimed that the chargesheet is filed and two of the accused persons have been granted anticipatory bail. Learned counsel for the

petitioner instead of pressing the matter on merit submits that petitioner should be directed to surrender before the learned court below and apply for release.

6. Mr. Praharaj, learned counsel for the State submits that the name of the other accused who claimed to have been granted anticipatory bail does not find mention in the F.I.R., whereas the petitioner has been named therein and he is not similarly situated like the former while objecting to his release.

7. Having regard to the above facts and considering the nature of allegation as appearing in the F.I.R., the Court is of the view that there is no ground for any interference with the criminal proceeding pending before the learned court below and hence the petition sans merit.

8. Accordingly, it is ordered.

9. In the result, CRLMC stands dismissed. However, the petitioner is at liberty to surrender before the learned J.M.F.C., Jagannath Prasad on or before 23rd November, 2022 in connection with G.R. Case No.408 of 2017 corresponding to Jagannath Prasad P.S. Case No. 89 of 2017 and in the event he surrenders, the court shall consider his plea for bail on merit and claim of parity.

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

(R.K. Pattanaik)
Judge