

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3154 of 2022

Patiaa @ Pratap Natua & Others

....

Petitioners

Mr. B.K.Nayak, Advocate

-Versus-

State of Odisha & Another

....

Opposite Parties

Mr. Tapas Kumar Praharaj, SC

Mr. M.K.Rath, Advocate for O.P. No. 2

CORAM:

JUSTICE R.K.PATTANAIK

ORDER

03.11.2022

Order No.

- 01.
1. Heard learned counsel for the petitioners and Mr.Tripathy, learned counsel for the State-opposite party No.1.
 2. In the present case, the challenge is as to the criminal proceeding in G.R. Case No.842 of 2010 arising out of Chandaka P.S. Case No. 134 of 2010 pending in the Court of learned J.M.F.C.(O), Bhubaneswar on the grounds stated therein and for a direction to release the petitioners on bail in view of the ratio of the Apex Court in case of **Siddharam Satlingappa Mhatre Vrs.State of Maharashtra (2011) 1 SCC694**.
 3. Learned counsel for the petitioners submits that the petitioners were granted anticipatory bail in BLAPL No. 20811 of 2010, however, it could not be availed of since there was no arrest caused by the local police and on completion of investigation, chargesheet was submitted under the alleged offences against them however showing all of them as absconders. It is contended that since the petitioners were allowed to be on anticipatory bail by this Court,

necessary orders may be passed keeping in view the ratio in **Siddharam Satlingappa Mhatre** (supra).

4. Mr. Tripathy, learned counsel for the State submits that the petitioners have been chargesheeted under the alleged offences and the final form was submitted in the year 2012. A copy of the order in BLAPL No. 20811 of 2010 is at Annexure-2 which on perusal the Court finds that the petitioners were directed to be released on bail in the event being arrested by the local police and it shall remain operative till the submission of the final forms.

5. Considering the above facts and grant of anticipatory bail vide Annexure-2, the Court is of the view that since the petitioners were not arrested during investigation and at the end, chargesheet was filed showing them as absconders, they should be directed to appear before the learned court below and released on bail subject to conditions keeping in view the facts peculiar to the case.

6. Accordingly, it is ordered.

7. In the result, CRLMC stands disposed of.

8. Consequently, the petitioners are directed to appear before the court of learned JMFC (O), Bhubaneswar on or before 18th November, 2022 in connection with G.R. Case No.842 of 2010 arising out of Chandaka P.S. Case No. 134 of 2010 and in the event they appear, the court shall release them on bail on any such terms and conditions.

(R.K.Pattanaik)
Judge