

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3310 of 2022

Bhagirathi Jena and Another Petitioners
Mr. Amulya Ratna Panda, Advocate

-Versus-

State of Orissa Opposite Party
Mr. Sitikanta Mishra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
23.11.2022

Order No.

01. 1. Heard learned counsel for the petitioner and learned counsel for the State.
2. Petitioner in the present case has prayed for quashing of the criminal proceeding in C.T. Case No.1051 of 2021 arising out of Soro P.S. Case No.491 of 2021 pending in the file of learned J.M.F.C., Soro on the grounds stated therein.
3. Mr. Panda, learned counsel for the petitioner submits that another accused in connection with Soro P.S. Case No.491 of 2021 has been directed by this Court in CRLMC No.3350 of 2022 to surrender before the learned court below and move for regular bail vide order dated 18th November, 2022 and considering the same, a similar order may be passed in respect of the petitioner. In other words, the matter is not passed on merit instead a prayer for a direction to petitioner to surrender before the court below is made as allowed in CRLMC No.3350 of 2022.

4. Considering the limited prayer, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned J.M.F.C., Soro in connection with C.T. No.1051 of 2021 corresponding to Soro P.S. Case No.491 of 2021 on or before 9th December, 2022 and in the event he surrenders and applies for bail, the court below shall consider the same in accordance with law and in case of rejection, he shall have the liberty to move the higher forum in the second hour on the same day, which shall also be considered on merit and in accordance with law. The lower court's record shall be transmitted at the cost of the petitioner for hearing before the learned Sessions court. In case, the plea of parity is advanced, the same shall be considered by the learned court below.

5. Issue urgent certified copy of this order as per and in accordance with rules.

(R.K. Pattanaik)
Judge