

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3377 of 2022

Nityananda Dehury

....

Petitioner

Mr. Birendra Ku.Padhi, Advocate
and Mr. P.K.Dutta, Advocate

-Versus-

State of Odisha & Another

....

Opposite Parties

Mr. S.S.Mohapatra, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

23.11.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner and Mr. Mohapatra learned counsel for the State.
 2. Learned counsel for the petitioner submits that considering the facts alleged in the F.I.R., a copy of which is at Anneuxre-1, offences under Section 307/379 IPC are not made out, inasmuch as, the allegations are directed against five other accused persons, who said to have assaulted and committed the alleged mischief against the informant. It is further submitted that all other accused persons are on bail except the petitioner. It is claimed that the investigation is still underway and chargesheet is not yet filed.
 3. Mr. Mohapatra, learned counsel for the State on the other hand submits that the petitioner can claim for discharge before the learned Sessions court and in the event, there is commitment of the case by the court of learned SDJM, Keonjhar post submission of chargesheet.

4. By not pressing the matter on merit, learned counsel for the petitioner submits that the petitioner would sincerely participate in the enquiry and trial and hence, a direction may be issued for his surrender before the court of learned SDJM, Keonjhar and release on bail since other accused persons have been on bail.

5. Considering the nature of allegations against the petitioner as revealed from Anneuxre-1, the Court is of the view that he should be directed to surrender before the learned court below and released on bail so that he would ultimately be participating in the inquiry and trial if in the event chargesheeted by the local police.

6. With the limited prayer allowed, CRLMC stands disposed of with a direction to the petitioner to surrender before the court of learned SDJM, Keonjhar on or before 14th December, 2022 in connection with G.R. Case No. 1626 of 2021 corresponding to Keonjhar Sadar PS Case No. 405 of 2021 and in the event he surrenders within the stipulated time, the court below shall release him on bail subject to conditions.

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

(R.K. Pattanaik)
Judge