

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3500 of 2022

Prasant Kumar Rout @ Prasanta Rout .... Petitioners  
and Another

Mr. Sitakanta Hota, Advocate

-Versus-

State of Odisha and Others .... Opposite Parties  
Mr. S. S. Mohapatra, ASC

CORAM:  
MR. JUSTICE R.K. PATTANAİK

**ORDER**  
**24.11.2022**

Order No.

01.

1. Heard learned counsel for the respective parties.
2. The impugned order dated 23.03.2018 passed by the learned J.M.F.C., Bhopur in G.R. Case No.403 of 2017 arising out of Fategarh P.S. Case No.189 of 2017 is under challenge on the grounds stated therein.
3. Learned counsel for the petitioners submits that petitioners were on interim bail by this Court's order dated 4<sup>th</sup> January, 2018 passed in ABLAPL No.20256 of 2017 but the application was dismissed for non-prosecution and in the meantime, post submission of chargesheet, the Court below has not taken any coercive action against them. It is further submitted that if the Court is not inclined to interfere with the impugned order of cognizance as at Annexure-1 at least should direct the petitioners to surrender before the learned court below in view of the fact that the injured, who was medically examined, was found to have received simple injury and while claiming so, a copy of the medical examination report in respect of

the injured, namely, Nilu Rout is produced before the Court for its perusal and allowed to go on bail which is objected to by the learned State Counsel on the ground that one of the victims has received injury whereas other two were not medically examined.

4. Considering the above facts and submissions of learned counsel for the respective parties, the Court is of the view that the impugned order under Annexure-1 does not suffer from any legal infirmity, however, the petitioners should be directed to appear before the learned court below and released on bail subject to conditions.

5. Accordingly, it is ordered.

6. Consequently, the CRLMC stands allowed.

7. In the result, the petitioners are directed to appear before the learned J.M.F.C., Bhopur on 15<sup>th</sup> December, 2022 in G.R. Case No.403 of 2017 arising out of Fategarh P.S. Case No.189 of 2017 and in such an event, the court below shall release them subject to conditions. ★ ★

8. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)  
Judge