

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3514 of 2022

Subhrajyoti Mangaraj

....

Petitioner

Mr. Amlan Shakti Paul, Advocate

-Versus-

State of Odisha

....

Opposite Parties

Mr. Sitikanta Mishra, ASC

CORAM:

JUSTICE R.K.PATTANAIK

Order No.

ORDER

01.12.2022

02.

1. Heard learned counsel for the petitioner and Mr.Mishra, learned counsel for the State.

2. The petitioner had challenged the entire criminal proceeding pending before the court of learned SDJM, Bhubaneswar in connection with C.T. Case No. 957 of 2021 corresponding to Kharavelanagar P.S. Case No. 54 of 2021 on the ground that his name does not appear in the F.I.R. and no case is made out even though chargesheeted, whereupon, the learned court below has taken cognizance of the offences vide Annexure-2.

3. While claiming so, the copy of the F.I.R. which is at Annexure-1 is placed reliance on which shows that Kharavelanagar P.S. Case No. 54 of 2021 was registered under Section 307 IPC and other allied offences later to the lodging of the report by the informant. It is claimed that there was a fight between the informant and employees of the Bar where the petitioner works which happened in presence of the bouncers of the restaurant and as far as the injuries are concerned, the victims received couple of injuries which are all simple in nature. It is also

submitted that other accused persons were granted bail under Annexure-2. Mr. Mishra, learned counsel for the State-opposite party on the other hand submits that the informant has been mercilessly assaulted by the petitioner and other employees of the Bar causing multiple injuries, one of which had ten stitches, which is evident from medical examination report as at Annexure-3.

4. However, having regard to the limited prayer advanced during and in course of hearing that the petitioner should be directed to surrender and released on bail, this Court is of the view that since other accused persons have been released on bail and the petitioner does not have any criminal antecedent as informed to the Court, he should be directed to surrender and be on bail. Even though the Court is not to accede to the request of the petitioner for quashing of the proceeding, it is of the view that he should be allowed to be on bail on surrender in C.T. Case No. 957 of 2021 which would be justified in the facts and circumstances of the case.

5. Accordingly, it is ordered.

6. In the result, CRLMC stands disposed of with a direction to the petitioner to surrender before the court of learned SDJM, Bhubaneswar in C.T. Case No.957 of 2021 arising out of Kharavelanagar P.S. Case No. 54 of 2021 on or before 20th December, 2022 and in the event he surrenders, 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

