

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2361 OF 2021

Sushil Chandra Jena @ Kuna Jena

***..... Petitioner
Mr. S.P. Dash, Adv.***

-versus-

State of Odisha

***..... Opposite Party
Miss Sanjibani Mishra, ASC***

CORAM:

JUSTICE V. NARASINGH

**ORDER
07.04.2022**

Order No.

02.

1. This matter is taken up through Hybrid Mode.
2. Learned counsel for the petitioner seeks permission to withdraw the CRLMC petition with liberty to the petitioner to move the learned Court below.
3. While considering the application for bail, learned Court below may take into account that, the offences are triable by the learned Magistrate.
4. Heard Mr. S.P. Dash, learned counsel for the petitioner and Miss S. Mishra, learned Additional Standing Counsel for the State.
3. This is an application under Section-482 Cr.P.C. for quashing the proceeding on the file of the learned S.D.J.M., Rayagada in connection with G.R. Case No. 465 of 2017 arising out of Rayagada P. S. Case No. 218 of 2017.

4. Taking into consideration the facts and submissions, this CRLMC is disposed of with the observation that the petitioner, if so advised, may surrender before the learned S.D.J.M., Rayagada in connection with G.R. Case No. 465 of 2017 arising out of Rayagada P. S. Case No. 218 of 2017 within fifteen (15) days from today. In the event of his surrender and motion for bail, the application for bail shall be considered by the learned S.D.J.M., Rayagada on merit in accordance with law, in the first hour of the day. In the event of rejection of the prayer for bail by the S.D.J.M., Rayagada, the petitioner is at liberty to move the higher forum for bail in the second hour on the same day. On being so moved, the higher forum shall dispose of the bail application of the petitioner on the same day on merit in accordance with law. The Case Diary be made available to the concerned Courts to facilitate disposal of the bail application of the petitioners, and learned S.D.J.M., Rayagada is directed to transmit the case record to the higher forum in the second hour, in the event of rejection of the bail application by him.

5. Ground of parity, if any, may be considered by the learned Court below on same being canvassed by learned counsel for the petitioner at the time of consideration of the bail application.

6. The CRLMC is disposed of accordingly.

7. Urgent certified copy of this order be granted as per rule.

(*V.Narasingh*)
Judge

