

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3600 of 2022

Gulson @ Hidayat Alli

.... Petitioner
Mr. A.R. Panda, Advocate

-Versus-

State of Odisha

.... Opposite Party
Mr. S.S. Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
28.11.2022

Order
No.
01.

1. Heard learned counsel for the petitioner and learned counsel for the opposite party-State.
2. The prayer in the present case is to quash the impugned order issuance of NBWA dated 27th October, 1998 in G.R. Case No.509 of 1997 pending in the file of learned S.D.J.M., Dhenkanal on the grounds stated therein.
3. A copy of the FIR which is at Annexure-1 and the same is perused by the Court.
4. By impugned order under Annexure-2, NBWA was issued against the petitioner and two other accused persons later to the submission of chargesheet under Section 392 Cr.P.C. whereupon the learned S.D.J.M., Dhenkanal took cognizance of the said offence.
5. Learned counsel for the petitioner submits that the petitioner should be directed to surrender and apply for regular bail, if in the event, the Court is not inclined to interfere with the

impugned order under Annexure-2. Mr Mohapatra, learned counsel for the State on the other hand submits that all the three accused persons found absconding and in so far as the petitioner is concerned, he is involved in alleged incident during and in course of which, the miscreants looted the gold ornaments from a temple.

6. Considering the nature of allegations and the fact that since 1998, NBWA is pending execution, the Court is of the view that the impugned order dated 27th October, 1998 vide Annexure-2 cannot be quashed. However, the Court is of the view that since the petitioner is inclined to surrender, he should be allowed to do so and apply for regular bail before the learned court below.

7. Accordingly, it is ordered.

8. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned S.D.J.M. Dhenkanal on or before 16th December, 2022 in connection with GR. Case No.509 of 1997 corresponding to Dhenkanal Sadar P.S. Case No.169 of 1997 and in the event he surrenders within the stipulated time and applies for bail, the same shall be considered by the court on its merit and pass appropriate order during the 1st hour and in case, the same is rejected, he shall approach the higher forum during 2nd hour and renew the prayer for bail and on being so moved, the learned Sessions court shall do well to pass appropriate order in course of the day as per and in accordance with law.

9. Urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge