

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2590 of 2021

***Prakash Kumar Samantaray &
others.***

.... Petitioners

Mr. Pravash Ch. Jena, Advocate

-versus-

State of Odisha

.... Opposite Party

Mr. D.Mund,
Addl. Govt. Advocate

CORAM:

JUSTICE V.NARASINGH

**ORDER
29.3.2022**

Order No.

04. 1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioners and learned counsel for the State.
3. Being aggrieved by the order dated 24.2.2020 by which the NBW was issued against the Petitioners in G.R. Case No. 837 of 2018, arising out of Khurda P.S. Case No. 356 of 2018 on the file of learned S.D.J.M., Khurda, the present CRLMC has been preferred under Section 482 Cr.P.C.
4. Taking into consideration the facts and submissions, the CRLMC is disposed of with the

observation that the Petitioners, if so advised, may surrender before the learned SDJM, Khurda in G.R. Case No. 837 of 2018 within four weeks from today, and in the event of their surrender and motion for bail, the application for bail shall be considered by the learned SDJM, Khurda on merit in accordance with law, in the first hour of the day. In the event of rejection of the prayer for bail by learned SDJM, Khurda, the Petitioners are at liberty to move the higher forum for bail on the same day. On being so moved, the higher forum shall dispose of the bail application of the Petitioners on merit in accordance with law preferably on the same day.

5. In that event, the Case Diary be made available to the concerned courts to facilitate disposal of the bail application, and learned SDJM, Khurda is called upon to transmit the case record to the higher forum in the second hour, in the event of rejection of the bail application by him.

6. Ground of parity, if any, may be considered on its own merits by the learned Court(s) below on same being canvassed by the learned counsel for the Petitioners at the time of considering the bail application(s)

7. For a period of four weeks from today, no coercive action shall be taken against the Petitioners in pursuance of the order dated 24.2.2020 passed by the learned S.D.J.M., Khurda in G.R. Case No. 837 of 2018, arising out of Khurda P.S. Case No. 356 of 2018

8. The CRLMC is accordingly disposed of.
9. Urgent certified copy of this order be granted as per rules.

(V.Narasingh)
Judge

Dhal

