

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2634 of 2021

Baburam Sethy @ Sethi

.....

Petitioner

Mr. S. Rout, Adv.

Vs.

State of Odisha

.....

Opposite Party

Mr. J. Katikia, A.G.A.

CORAM:

JUSTICE SAVITRI RATHO

ORDER

08.12.2022

Order No.

02.

(Through hybrid mode)

1. Heard Mr. S. Rout, learned counsel for the petitioner.
2. This application under section 482 of the Code of Criminal Procedure has been filed by the petitioner challenging the order dated 18.03.2020 passed by the learned S.D.J.M., Kendrapara in Nikirei P.S. Case No. 16 of 2017 corresponding to G.R. Case No. 94 of 2017 taking cognizance of the offences under Section 420 and 34 of IPC and submits that NBW had been issued against him vide order dated 29.2.2020.
3. Perused the order dated 24.11.2021 passed in ABLAPL No. 2586 of 2021 wherein this Court had directed that although it was not inclined to reconsider the prayer for grant of anticipatory bail, the application is disposed of with the observation that when the occasion would so arise before the learned Court in seisin of the case for consideration of the prayer for grant of regular bail, the same would be made on its own merit without being prejudiced by this order and disposed of early in accordance with law. In ABLAPL No. 3803 of 2017 vide order dated 09.04.2018, it had been directed that if the petitioner surrenders before the Court in seisin of the case and moves for his release on bail, the same shall

be considered on its own merit and disposed of early in accordance with law.

4. Mr. Rout, learned counsel for the petitioner submits that due to unavoidable circumstances the petitioner has not been able to surrender in the Court below till date. He also submits that the petitioner does not press this application under Section 482 of Cr.P.C. and prays for liberty to surrender in the court below and for a direction for disposal of his prayer for bail on the same day maintaining party as a co-accused standing on similar footing has been granted bail.

5. Considering the above submissions and with a view to secure the presence of the petitioner in the trial, this application under Section 482 of Cr.P.C. is disposed of with the direction that if the petitioner surrenders before the learned S.D.J.M., Kendrapara in G.R. Case No. 94 of 2017 by 30.12.2022 and files an application for bail, his application will be disposed of expeditiously in accordance with law and plea of parity if available, may also be considered in accordance with law.

Sukanta

6. The CRLMC is accordingly disposed of.

Issue urgent certified copy as per rules.

.....
(SAVITRI RATHO)
JUDGE