

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16001 of 2022

Khirod Kumar Nayak

.... ***Petitioner***
Mr. S. Dash, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. Samaresh Jena, ASC

CORAM:
MR. JUSTICE D.DASH

ORDER
22.12.2022

Order No.

01. 1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. Learned counsel for the Petitioner submits that the so-called victim having filed a complaint before the court of law, the same has been forwarded to the police under section 156(3), Cr.P.C. and therefore, this criminal case has been registered. He further submits that as per the averments made in the complaint, this Petitioner is not the principal accused and he is said to be a friend of the principal accused, namely, Sanjib Kumar Sethy. Inviting the attention of the Court to the narration in the complaint, he submits that the complainant has not mentioned any specific role played by the Petitioner and it is said that the principal accused had directed him to do so but then whether it was done or not is not indicated. In view of all these above, he submits that this Petitioner has been unnecessarily arraigned as accused in the case only for being harassed. He, therefore, urges for grant of anticipatory bail to the Petitioner.

3. Learned counsel for the State opposes the move. According to him, this Petitioner having gone to the spot with the principal accused at this stage, it cannot be said that he has played no role.

4. Considering the submissions and on going through the nature of accusations; further keeping in view the surrounding circumstances of the case as also concerning the Petitioner, it is directed that in the event the Petitioner surrenders before the Court in seisin of the case in connection with C.T. Case No.978 of 2022 arising out of Balasore Town P.S. Case No.239 of 2022 corresponding to 1CC Case No.541 of 2022 pending on the file of learned S.D.J.M., Balasore within three weeks hence and moves for his release on bail, he shall be released on bail on such terms and conditions as would be deemed just and proper by the said court.

5. The ABLAPL is accordingly disposed of.

6. Issue urgent certified copy as per rules.

(D. Dash)
Judge