

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2826 OF 2021

Ramesh Mallik & Ors.

***..... Petitioners
Mr. P. Panigrahi, Adv.***

-versus-

State of Odisha

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

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
09.03.2022**

**Order No.
03.**

1. This matter is taken up through Hybrid Mode.
2. Heard Mr. P. Panigrahi, learned counsel for the petitioners and Mr. S.S. Mohapatra, 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 learned S.D.J.M., Dhenkanal in connection with G.R. Case No. 565 of 2020 arising out of Dhenkanal Town P. S. Case No. 237 of 2020.
4. Taking into consideration the facts and submissions, this CRLMC is disposed of with the observation that the petitioners, if so advised, may surrender before the learned S.D.J.M., Dhenkanal in connection with G.R. Case No. 565 of 2020 arising out of Dhenkanal Town P. S. Case No. 237 of 2020 within fifteen (15) days from today. In the event of their surrender and motion

for bail, the application for bail shall be considered by the learned S.D.J.M., Dhenkanal 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., Dhenkanal, the petitioners are 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 petitioners 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., Dhenkanal 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 petitioners at the time of consideration of the bail application.

6. The learned Court below would do well to take into account the order passed by this Court dtd. 10.06.2020 in ABLAPL No. 6279 of 2022.

7. The CRLMC is disposed of accordingly.

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

(*V.Narasingh*)
Judge