

(2024) 05 OHC CK 0097

Orissa High Court

Case No: CRLMC No.1357 Of 2024

Sudei @ Sudarsan
Bhoi @ Sudarshan
Bhoi & Others

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision: May 7, 2024

Acts Referred:

- Indian Penal Code, 1860 - Section 34, 294, 307, 323, 324, 341, 506

Hon'ble Judges: S.S. Mishra, J

Bench: Single Bench

Advocate: Abhaya Kumar Parida, P.K.Maharaj

Final Decision: Disposed Of

Judgement

S.S. Mishra, J

1. The petitioners are challenging the order dated 22.01.2019 passed by the learned J.M.F.C., Pipili in G.R. Case No.221 of 2018 whereby the

cognizance for the offences U/Ss.341/323/294/324/307/506/34 IPC has been taken against the petitioners.

2. Learned counsel for the petitioners seeks to withdraw the present petition to raise all the points before the Court below at the appropriate stage.

However, he further submits that initially the present petitioners were granted concession of pre-arrest bail at the stage of investigation, benefit of that

bail order should continue till the conclusion of the trial.

3. In the initial F.I.R., the offence under Section 307 IPC was not invoked. However, after the investigation, charge sheet has been filed against the

petitioners for various offences including the offence under Section 307 IPC. Therefore, they apprehend that once they appear before the Court

below, they may be sent to judicial custody. The apprehension of the petitioner are uncalled for in view of the ratio laid down in the cases of Sushila

Agarwal and others vs. State of (NCT of Delhi) and another reported in (2020) 5 SCC 1 and Satender Kumar Antil vs. Central Bureau of

Investigation and another, reported in (2022) 10 SCC 51.

4. Therefore, this Court is not inclined to interfere in this matter.

5. The petitioners are given liberty to appear before the Court below and seek remedy under law in the light of the above judgments.

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