



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.5312 of 2025

Sadasiba Swain and another

.....

Petitioners

Represented by Adv. -
Pradeep Kumar Kundu

-versus-

State Of Orissa

.....

Opposite Party

Represented by Adv. -
Hemant Ku. Tripathy

Smt. S. Nayak, ASC

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA

ORDER
23.12.2025

Order No.

02.

CRLMC No.5312 of 2025 & I.A. No.3820 of 2025

1. This matter is taken up through Hybrid mode.
2. On the oral prayer of the learned counsel for the Petitioners, he is permitted to add the Informant as Opposite Party No.2. Consolidated cause title of the application has already been filed, the same be taken on record.
3. Additional copy of the affidavit filed before this Court on 15.12.2025 which was sworn before the Oath Commissioner of this Court by the Opposite Party No.2 be served on learned counsel for the State, who shall forward the same to the IIC of the concerned Police Station and obtain specific instruction thereon by the next date.
4. List this matter in the week commencing 12.01.2026.



5. It is stated by the learned counsel for the Petitioners that although the injuries sustained by the injured are simple in nature, however, an offence under Section 307 of IPC has been illegally added. He further contended that in the meantime the matter has been amicably settled and in support of such contention he also referred to the joint affidavit filed before this Court. Learned counsel for the Petitioners further contended that the learned trial Court has issued an NBW against the present Petitioners.

6. However, on the submission of the leaned counsels for the parties, the Petitioners are given liberty to surrender before the learned J.M.F.C., Niali, in the aforesaid case in the first hour within 21 working days hence and move for bail. On such event, the learned Magistrate shall consider their application for bail in the first hour strictly on the basis of the materials on record. In case of rejection of the bail application, the Petitioners may move for bail before the higher forum in the second hour. On such event, the higher forum shall consider and dispose of the bail application of the Petitioners on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the Petitioners, if applied for.

(Aditya Kumar Mohapatra)
Judge