

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2953 of 2011

***Kamal Agrawal @ Kamal Kumar
Goyal***

....

Petitioner

-versus-

State of Orissa

....

Opposite Party

CORAM: JUSTICE S.PUJAHARI

ORDER

16.03.2022

**Order
No.**

05.

1. This matter is taken up through hybrid mode.
2. This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash F.I.R. vide Raghunathpalli P.S. Case No.112 of 2011, corresponding to G.R. Case No.1221 of 2011, pending in the Court of S.D.J.M., Panposh, Rourkela.
3. Heard the learned counsel for the Petitioner and the learned counsel for the State.
4. The Petitioner in this case has sought for quashment of the F.I.R., but the present status of the investigation is not known. The case is of the year 2011. Interim order of no coercive action against the Petitioner is there in this case. The F.I.R. discloses the cognizable offence against the Petitioner.
5. In such premises, this Court is not inclined to direct to quash the F.I.R., particularly in the absence of any statutory bar to entertain the F.I.R.

6. However, learned counsel for the Petitioner submits that if in the meanwhile charge sheet has been filed, liberty may be given to the Petitioner to approach this Court against an order of cognizance and if the Petitioner surrenders before the Court in seisin over the matter after filing of charge sheet, he may be allowed to release on bail in view of the fact that he has availed the protection given by this Court since long.

7. Considering the submissions made, especially the fact that the Petitioner has been indicted in an offence under Sections 379, 411 read with Section 34 of the I.P.C., this Court dispose of this Criminal Misc. Case with an observation that if charge sheet has been filed in the aforesaid case and the Petitioner surrenders before the Court in seisin over the matter within six weeks hence and makes a motion for bail, the Court in seisin over the matter shall release him on bail in connection with the aforesaid case on such terms and conditions as it may deem just and proper. So also liberty is given to the Petitioner to challenge the order of cognizance, if so advised, if no material is there to proceed against him in the aforesaid case before the appropriate forum.

8. Urgent certified copy of this order be granted on proper application.

(S.Pujahari)
Judge