

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.474 of 2022

Sekhar Nayak @ Sekhar Naik

.... ***Petitioner***
Mr.G.K.Rath, Advocate

-versus-

State of Odisha and another

.... ***Opp.Parties***
Mr.K.K.Das, ASC

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
11.5.2022

Order No.

3.

1. Heard Mr.Rath, learned counsel for the Petitioner and Mr.Das, learned counsel for the State.

2. The grievance of the Petitioner is that a proceeding under Section 110 of the Cr.P.C. was initiated against him without his knowledge, wherein an order was passed behind his back to furnish a bond of Rs.10,000/- with two local sureties. It is further submitted that when the Petitioner furnished the bond along with sureties, the same was not accepted on the ground that such sureties are not the residents of Cuttack Municipal area.

3. This Court by order dated 22.4.2022 has directed the Petitioner to substantiate his submission by producing the material that he was inside custody on the date when the proceeding under Section 110 of the Cr.P.C. was initiated against him. The Petitioner could not be able to produce any material to that effect.

4. Mr.Das, learned A.S.C. submits on instructions that the proceeding under Section 110 of the Cr.P.C. was initiated against the Petitioner on 6.10.2021 and on 7.10.2021 the order has been passed directing to release the Petitioner on bail on furnishing bond of Rs.10,000/- with two local sureties.

5. On the other hand, it is submitted by the Petitioner that the sureties and bond furnished by him was not accepted by the Executive Magistrate. Admittedly, the Petitioner is inside custody till date in the aforesaid proceeding initiated against him under Section 110 of the Cr.P.C. It reveals in course of hearing that the said proceeding under Section 110 of the Cr.P.C. is numbered as CMC No.1165 of 2021 pending before the Additional D.C.P.-Cum-Executive Magistrate, UPD, Cuttack.

6. Considering the submissions that the Petitioner has been directed to be released on bail on furnishing bond of Rs.10,000/- with two local sureties since 7.10.2021, it is directed that the Petitioner be released from custody in CMC No.1165 of 2021 pending before the Additional D.C.P.-Cum-Executive Magistrate, Cuttack, UPD immediately upon furnishing bond of Rs.10,000/- with two solvent sureties for the like amount, without insisting for local surities.

7. The CRLMC is disposed of accordingly.

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

(B.P. Routray)
Judge

