

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 759 of 2022

Premanjali Misha

.... Petitioner
Mr.S.K.Tripathy, Advocate

-Versus-

State of Odisha

.... Opposite Parties
Mr. S.S.Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
28.11.2022

Order No.

- 02.
1. Heard learned counsel for the petitioner and Mr. Mohapatra learned counsel for the State.
 2. Instant petition under Section 482 Cr.P.C. is filed for quashing of the criminal proceeding in connection with G.R. Case No.1131 of 2018 arising out of Krushna Prasad P.S. Case No. 36 of 2018 pending in the file of learned SDJM, Puri on the grounds stated therein.
 3. Learned counsel for the petitioner submits that the petitioner is a lady and was an agent of the complainant company and the allegations against her to be that she in connivance with son of the deceased obtained a policy in the name of the latter who was had already been dead by then but in so far as the maturity amount is concerned it was not disbursed and later on, when the mischief was detected, the complaint was filed and as on the date, after having the case was registered under Sections 468,470 and 420 IPC besides other offences, investigation is still underway since 2018 and considering the same, if

the Court is not inclined to quash the entire proceeding at least she should be directed to surrender and released on bail on any conditions which is objected to by Mr. Mohapatra, learned counsel for the State on the ground that there has been a mischief and the petitioner apparently connived with policy holder's son and obtained the policy by fraudulent means.

4. Initially, the complaint was filed registered as I.C.C. Case No. 186 of 2018 but by the orders of the learned court below, Krushna Prasad P.S. case No. 36 of 2018 was registered under the alleged offences. The petitioner was, at the relevant point of time, an agent of the company and she has been alleged of having committed fraud by engaging herself in managing to obtain a policy in favour of the policy holder, who was not alive by then and it was in connivance with the other accused.

5. The F.I.R. was lodged in 2018 and according to the learned counsel for the petitioner the investigation is still in progress and considering said fact and that the petitioner is a lady, she should be directed to be released on bail after her surrender before the learned court below which would serve the purpose and meet the ends of justice.

6. Having regard to the above facts and considering the nature of allegations and the fact that the investigation is pending since last four years, as has been claimed by the learned counsel for the petitioner, the Court is of the considered view that though the criminal proceeding cannot be quashed as no ground is made out for the same, however, in the peculiar facts and circumstances of the case, the petitioner should be directed to surrender and allowed to be on bail subject to conditions.

7. Accordingly, it is ordered.

8. In the result, CRLMC stands disposed of with a direction to the petitioner to surrender before the learned court of SDJM, Puri on or before 16th December, 2022 in connection with G.R. Case No.1131 of 2018 arising out of Krushna Prasad P.S. Case No. 36 of 2018 and in the event she surrenders within the time stipulated, the court below shall release her on bail subject to conditions.

9. Urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge

