

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1087 of 2022

Puspa Puhan @ Ramesh Chandra Petitioner
Puhan

Mr. Sushanta Hari Chandan, Advocate

-Versus-

Pramod Kumar Rout and another Opposite Party
None for OP No.1
Mr. Tapas Kumar Praharaj, SC, OP No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
19.09.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. Learned counsel for the petitioner submits that NBWA is pending execution against the petitioner in view of the impugned order dated 26th February, 2007 passed in ICC Case No.54 of 2006, whereby learned S.D.J.M., Jagatsinghpur who issued such warrant on account of the default of the petitioner whereas another accused has been granted bail in the meantime. Considering the same and the fact that the dispute is between the younger brother and wife of the petitioner, he may be directed to surrender and go on bail.

3. It is a complaint case and the impugned order dated 29th July, 2006 relates to taking cognizance by the learned court below and issuing process against the accused person and on the next date fixed i.e. 26th July, 2007, the order of NBWA was issued. It is submitted to the Court that the accused, namely, Ashok Swain, who

was arrested and forwarded by a judicial remand was later released on bail. Considering the nature of allegation, it is submitted that the petitioner should at least be directed to go on bail after he surrenders before the court of learned S.D.J.M., Jagatsinghpur.

4. In view of the limited prayer, the Court is of the view that although the impugned order dated 26th February, 2007 passed by the learned S.D.J.M., Jagatsinghpur does not suffer from any infirmity, the petitioner in the facts and circumstances of the case should be directed to surrender and released on bail subject to conditions. Accordingly, it is ordered.

5. Consequently, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned S.D.J.M., Jagatsinghpur on or before 30th September, 2022 in I.C.C. Case No.54 of 2006 and in the event of his surrender, the court shall release him on bail on such terms and conditions as would be deemed fit and proper.

6. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge

U.K.Sahoo