

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1382 of 2022

Ganesh Nial

Petitioner

Mr. B.R. Sahu, Advocate

-Versus-

State of Odisha

.... **Opposite Party**

Mr. T.K. Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
08.09.2022

Order
No.

- 04.
1. Heard learned counsel for the petitioner and learned counsel for State.
 2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner challenging the impugned order dated 1st September, 2021 passed by the learned S.D.J.M.(Sadar), Cuttack in G.R. Case Npo.1205 of 2020 corresponding to Cuttack Mahila P.S. Case No.82 of 2020 on the grounds stated therein.
 3. The Court perused the charge sheet i.e. Annexure-3 and also the impugned order as at Annexure-4.
 4. Learned counsel for the petitioner submits that the charge sheet was filed in the year 2021 showing the petitioner as an absconder and instead of not pressing the matter on merit, it further submitted that the petitioner may be directed to surrender before the learned court below and released on bail with conditions since because other accused persons have been granted bail in the meantime which is opposed to by the learned counsel for the State.

5. In fact, charge sheet was filed in the month April, 2021 under Section 498-A IPC and other allied offences read with Section 4 of the D.P. Act and the petitioner and four other accused persons and the learned court below took cognizance of the offences thereon and proceeded to summon other accused persons except the petitioner as he was shown as a absconder.

6. It is alleged that the petitioner is avoiding warrant of arrest issuing of NBW by the learned court below.

7. However, having regard to the nature of allegations and considering the submission of the learned counsel for the parties, the Court is of the view that since other accused persons have been granted bail, the petitioner being the husband and shown as an absconder, he should be released on bail subject to his surrender before the learned court below on a specified date.

8. Accordingly, it is ordered.

9. In the result, CRLMC stands disposed of with a direction to the petitioner to surrender before the court of learned S.D.J.M. (Sadar), Cuttack on or before 26th September, 2022 in connection with G.R. Case Npo.1205 of 2020 corresponding to Cuttack Mahila P.S. Case No.82 of 2020 and in the event of his surrender, the court shall release him on bail with conditions as deemed just and proper in the facts and circumstances of the case.

(R.K. Pattanaik)
Judge