

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1410 of 2022

Md. Javed @ JD

...

Petitioner

Mr. S. Panigrahi, Advocate

-Versus -

State of Odisha

....

Opposite Party

Mr. D. Mund, Addl. Government Advocate.

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

31.05.2022

Order No.

1.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Government Advocate for the State.
3. The proceeding under Section 110 Cr.P.C. was initiated against the petitioner vide Criminal Misc. Case No. 51 of 2022 by the learned Sub-Divisional Magistrate, Champua. By notice issued on 21st March, 2022, learned Sub-Divisional Magistrate, Champua while asking the petitioner to show cause as to why he shall not be directed to execute a bond of Rs.2,00,000/- with a surety being a Government servant for the like amount and to maintain peace and good behaviour in the locality for a period of three years.
4. Pursuant to such order, the petitioner submitted an interim bond of Rs.2,00,000/- with one local surety, who was found to be solvent and therefore the interim bond was accepted. However, the petitioner was further called upon to file bail bond with a Government Employees a surety on or before the next date.

5. It is submitted by learned counsel for the petitioner that it has not been possible on the part of the petitioner to arrange a Government employee to stand surety for him. However, he has complied with the order by furnishing a surety, who is a permanent resident of Jhumpura Police Station of Keonjhar District.

6. Learned Addl. Government Advocate fairly submits that law does not mandate that the surety to be furnished must necessarily be a Government Servant.

7. Considering the submissions as above, this Court is inclined to allow the prayer. The order dated 26.04.2022 passed by learned Sub-Divisional Magistrate, Champua is quashed only to the extent of the direction to the petitioner to file bail bond with a Government Employee as surety.

8. CRLMC is disposed of accordingly.

9. Issue urgent certified copy as per rules.

(Sashikanta Mishra, J)
Vacation Judge