

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1030 of 2021

Tunia @ Prakash Biswal

....
Petitioner
Mr. A.K. Jena, Advocate

-Versus-

State of Odisha and Another

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

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
01.11.2022

Order
No.

04.

1. Heard learned counsel for the petitioners and learned counsel for the State opposite party No.1.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners challenging the criminal proceeding pending in the court of learned N.G.N-cum-J.M.F.C., Tangi in G.R. Case No.20 of 2019 corresponding to Tangi P.S. Case No.17 of 2019 on the grounds stated therein.
3. Learned counsel for the petitioners, however, with a limited prayer submits that as non-bailable warrant of arrest is pending execution against the petitioner at least he should be directed and allowed to go on bail with any conditions. It is submitted that there is no material to connect the petitioner directly with the illicit transportation and disposal of the paddy but he has been implicated on the strength of statement of co-accused, namely, Sayed Kalimuddin.
4. Mr. Mohapatra, learned counsel for the State on the other hand submits that paddy was disposed for an amount which has been misappropriated, inasmuch as, it was dispatched by the informant but was found delivered at another place with a rice

millar and involvement the petitioner was revealed by the co-accused and other materials collected the investigation.

5. In the present case, charge sheet is filed, a copy of which is at Annexure-2.

6. Considering the above facts and submissions of learned counsel for the respective parties, the Court is not inclined to interfere with the criminal proceeding on any such ground which has been raised by the learned court below. However, having regard to the limited prayer made at present, the Court is of the view that the petitioner should be directed to surrender before the learned court below subject to condition that he shall deposit 50% of the amount which is said to have been misappropriated on the disposal of the paddy during the alleged incident.

7. Accordingly, it is ordered.

8. In the result, CRLMC stands disposed of with a direction to the petitioner to surrender before the learned N.G.N-cum-J.M.F.C., Tangi on or before 18th November, 2022 in connection with G.R. Case No.20 of 2019 arising out of Tangi P.S. Case No.17 of 2019 and in the event he surrenders within the time stipulated and applies for bail, he shall be released subject to deposit of 50% of the misappropriated amount which stands at Rs.4,84,626/- and the same shall be kept in a fixed deposit in any nationalized bank in the name of the court for a stipulated period so decided and till then, there shall be no coercive action against him.

9. An urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

