

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2105 of 2022

Soumya Ranjan Swain@ Raja

....

Petitioner

Mr. Samvit Mohanty, Advocate

-Versus-

State of Orissa

....

Opposite Party

Mr. Pradip Kumar Rout, AGA

CORAM:  
MR. JUSTICE R.K. PATTANAİK

ORDER  
16.09.2022

Order No.

01.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner with a prayer for quashment of the proceeding in G.R. Case No.506 of 2017 arising out of Tirtol P.S. Case No.169 of 2017 pending in the court of learned J.M.F.C. Tirtol on the grounds stated therein.
3. Perused the copy of the FIR at Annexure-1 and copy of the order dated 15.06.2021 as at Annexure-3.
4. Learned counsel for the petitioner submits that there is no case made out against the petitioner morefully considering the fact that only a protest was lodged by the local villagers and in course of such incident, the accused persons stated to have committed some excess causing damaged to the shop in question and in that connection, an FIR was lodged, wherein, the name of the petitioner

finds a place but most of the accused persons named in the FIR have been granted bail in the meantime. However in the facts and circumstances of the case, the Court is not inclined to interfere with the criminal proceeding. It is submitted that at least the petitioner may be directed to surrender and go on bail, which is objected to by the learned counsel for the State on the ground that an offence under Section 395 IPC is involved as all the accused persons have committed mischief combinedly causing damage to the local shop in question.

5. But considering the fact that the name of the petitioner does not appear in the FIR but in the charge-sheet, he has been shown as an absconder, the Court is of the view that he should be directed to surrender and go on bail subject to conditions. Accordingly, it is ordered.

6. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned J.M.F.C., Tirtol on 30<sup>th</sup> September, 2022 in G.R. Case No.506 of 2017 arising out of Tirtol P.S. Case No.169 of 2017 and in the event of his surrender, the court below shall release him on bail subject to conditions.

7. An urgent certified copy of this order be issued as per rules.

**(R.K. Pattanaik)**  
**Judge**