

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2310 of 2022

Prince Kumar Mishra

.... **Petitioner**
Mr. J. Sahu, Advocate

-Versus-

State of Odisha

.... **Opposite Party**
Mr. S.S. Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
13.10.2022

Order No.

03.

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

2. The present challenge is as to the criminal proceeding pending before the court of learned S.D.J.M., Bolangir in G.R. Case No.1017 of 2021 corresponding to Bolangir Town P.S. Case No.393 of 2021.

3. Learned counsel for the petitioner submits that the petitioner and the deceased were friends and they have had a relationship but then, since as per the allegation in the FIR, the petitioner did not agree to marry, the victim committed suicide as a result, whereafter, the report was lodged by her brother. It is further submitted that the petitioner was all along physically present at the time of inquest and thereafter and never absconded. It is claimed that the petitioner has cooperated the local police in the investigation and being student, he

should at least be directed to surrender before the learned court below considering the nature of allegations contained in the FIR. Mr. Mohapatra, learned counsel for the State submits that the petitioner had approached this Court for anticipatory bail but it was rejected.

4. A copy of the FIR which is at Annexure-1 is perused by the Court. It is made to reveal that the brother of the deceased lodged the FIR after the victim's death, who committed suicide and alleged that the petitioner had been in a relationship with his sister and finally when he did not agree to marry her, she out of depression committed suicide. It is alleged by the brother of the deceased that the victim was cheated by the petitioner and avoided to continue having relationship and also denied to marry her.

5. Having regard to the nature of allegations and the fact that the petitioner is a student aged about 21 years, the Court is of the view that he should be directed to surrender before the court below and allowed to go on bail subject to conditions. In other words, the Court though is of the view that no case is made out for quashing of the FIR and criminal proceeding arising out of Bolangir Town P.S. Case No.393 of 2021 but is of the opinion that in the facts and circumstances of the case and the allegations as contained in the FIR, the petitioner since is alleged of having cheated the deceased leading her to commit suicide, he should be directed to surrender before the learned court and released on bail.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned court of S.D.J.M., Bolangir on or before 31st October, 2022 in connection with G.R. Case

No.1017 of 2021 corresponding to Bolangir Town P.S. Case No.393 of 2021 and in the event he surrenders, the court shall release him on bail with conditions.

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

(R.K. Pattanaik)
Judge

TUDU

