

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2934 of 2019

Sangram Maharana

Petitioner

Mr. T. Nanda, Advocate

-Versus-

State of Odisha and Another

....

Opposite Parties

Mr. T.K. Praharaj, SC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

17.11.2022

Order
No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. Petition under Section 482 Cr.P.C. is filed at the behest of the petitioner for quashing of the criminal proceeding in connection with Special G.R. Case No.71 of 2019 corresponding to Bolangir Town P.S. Case No.399 of 2019 pending in the file of learned Additional Sessions Judge-cum-Special Judge, Bolangir on the grounds stated therein.
3. Mr. Nanda, learned counsel for the petitioner submits that the petitioner has been falsely implicated as the allegation contained in the FIR, a copy of which is at Annexure-1, are absolutely false and while claiming so, refers to Annexure-3 wherein some students of the same college spoken about good conduct and character of the petitioner. It is further submitted by Mr. Nanda, leaned counsel for the petitioner that the incident happened in 2019 and till date investigation is in progress, inasmuch as, no chargesheet is filed. In course of hearing, Mr. Nanda submits that if the Court is not inclined to quash the criminal proceeding, at least, the petitioner

should be directed to surrender and go on bail and also granted liberty to raise all the points at the time of framing of charge.

4. Mr. Praharaj, learned counsel for the State on the other hand submits that there is allegation of inappropriate behavior of the petitioner while dealing with girl students of the college and there was an enquiry by the college authority which is evident from the materials on record and that apart, the petitioner had approached this Court for anticipatory bail in ABLAPL No.12589 of 2019 which was rejected and considering the same, he is not entitled to any relief whatsoever.

5. The allegations against the petitioner stand described in Annexure-1 which is to the effect that he was showing inappropriate behavior to girl students of the college making them uncomfortable and then was also threatening the parents of the students, who had protested his such behavior. The conduct is definitely unbecoming on the part of the petitioner revealed from the FIR and materials and therefore, the Court is of the view that no case is made out for quashing of the criminal proceeding as has been prayed for. But the incident is of the year 2019. At present, Mr. Nanda, learned counsel for the petitioner submits that as per his instruction, the investigation is still underway. Mr. Praharaj, learned counsel for the State submits that he does not have any instructions as it is a fresh matter.

6. Considering the nature of allegations and conduct of the petitioner, a faculty member of the college, the Court is of opinion that even though it is not inclined to quash the criminal proceeding pending against him but is of the view that the petitioner should be directed to surrender and allowed to go on bail which would serve the purpose for the present having regard to the fact that the investigation is stated to be pending for long.

7. Accordingly, it is ordered.

8. In the result, CRLMC stands disposed of with a direction to the petitioner to surrender before the court of learned Additional Sessions Judge-cum-Special Judge, Bolangir on or before 2nd December, 2022 in connection with Special G.R. Case No.71 of 2019 corresponding to Bolangir Town P.S. Case No.399 of 2019 and in the event, he surrenders within the stipulated time and apply for bail, the court shall release him on bail subject to conditions with the liberty granted to him to raise all points at the time of framing of charge, which on being so moved, the court shall consider the same and pass appropriate order thereon as per and in accordance with law.

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

(R.K. Pattanaik)
Judge

TUDU