

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2504 of 2022

Pranaya Kumar Sahu

....
Petitioner
Mr. Bijaya Kumar Ragada and
M. Sahoo, Advocates

-Versus-

State of Orissa

....
Opposite Party
Mr. Tapas Kumar Praharaj, SC

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 issuance of notice under Section 110 Cr.P.C. by the Sub-Divisional Magistrate, Padampur in Crl. Misc. Case No.266 of 2022 whereby the petitioner has been directed to appear and show cause as to why he shall not be directed to execute a bond for an amount of Rs.1 lac with two credible sureties for a period of two years on the grounds stated therein.
 3. Learned counsel for the petitioner submits that there is no such cause of action or reasonable basis for directing the petitioner to show cause for executing a bond since because the most recent case is of the year 2021 and there are five more cases registered

against him the oldest being of the year 2006 and the last but one is of 2012 and in between there is a lapse of nine years. It is further submitted that in a similarly situated case, this Court had directed the petitioner therein to submit an undertaking to execute a bond and therefore, same relief may be granted herein which is objected to by learned counsel for the State on the ground that the petitioner has number of criminal antecedents and learned Sub-Divisional Magistrate, Padampur rightly issued notice under Section 110 Cr.P.C. directing the petitioner to appear and show cause as to why he shall not execute a bond.

4. The Court perused the copy of the report received in connection with the case which is at Annexure-1. As it appears, the petitioner is having six numbers of criminal cases starting from 2006 to 2021 and the majority of the offences are under Sections 323/354/341 etc. and the Court finds that only in Gaisilet P.S. Case No.41 of 2012, the case under Section 25 of Arms Act has been registered.

5. Considering the submissions of learned counsel for the petitioner and having regard to the nature of offences and number of cases registered against him over a period of 14 years, the Court is of the view that the petitioner should instead be directed to submit an undertaking to be of good behaviour during the alleged period. In other words, the Court is of the considered opinion that instead of directing to execute a bond of Rs.1 lac, the petitioner should be allowed to submit an undertaking which would serve the purpose and meet the ends of justice. Accordingly, it is ordered.

6. With the above direction, the CRLMC stands disposed of.

7. Issue urgent certified copy of this order on proper application.

(R.K. Pattanaik)
Judge

