

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2530 of 2022

Hemanta Panigrahi@ Hemanta Kumar ....  
Panigrahi

Petitioner

Mr.Soumya Ranjan Das, Advoc

-Versus-

State of Odisha

.... Opposite Parties

Mr. Priyabrata Tripathy, ASC

CORAM:  
MR. JUSTICE R.K. PATTANAİK

ORDER  
26.09.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for opposite party No.2
  2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner challenging the criminal proceeding pursuant to the lodging of F.I.R. and registration of Singla P.S. Case No. 62 of 2021 corresponding to C.T. Case No. 211 of 2021 pending in the court of learned J.M.F.C., Basta on the grounds stated therein.
  3. Perused a copy of F.I.R. which is at Annexure-1 so also other connected documents including a copy of charge sheet as at Anneuxre-3.
  4. Learned counsel for the petitioner submits that the petitioner is the brother-in-law of the deceased and he has been

falsely entangled in the case and all the more, he is stays outside Balasore. It is further submitted that notwithstanding the fact that the petitioner is not involved and the cause of the death of the deceased is by suicide consuming poison, the local police chargesheeted him along with others under Sections 304-B with 302 IPC and other allied offences. It is also submitted that the father in-law and mother in-law of the victim have been granted bail and while claiming so, learned counsel for the petitioner refers to an order dated 19<sup>th</sup> September, 2021 of this Court in BLAPL No. 4637 of 2021. It is thus contended that the criminal proceeding should be quashed vis-à-vis the petitioner against whom there is a general allegation made and that apart, when prima facie the cause of death appears to be suicidal by consuming poison which is objected to by the learned counsel for the State on the ground that the materials on record does make out a prima facie case against him.

5. The Court perused the contents of the F.I.R. and also chargesheet which are at Annexure-1 and Annexure-3 respectively. In fact, the name of the petitioner does find a mention in the F.I.R. Nevertheless the allegation has been made against all the accused persons with regard to ill-treatment meted out to the victim while demanding dowry. Considering the materials on record, the Court is of the opinion that the learned court below later to the submission of chargesheet under Annexure-3 did not commit any error in taking cognizance of offences against the petitioner and others. In other words, the Court is not inclined to quash the criminal proceeding as has been prayed for by the petitioner.

6. However, at present, the learned counsel for the petitioner submits that the learned court below has issued a NBWA against the

petitioner which is pending execution and having regard to the fact that the father-in-law and mother-in-law of the deceased are on bail by the orders of this Court, the petitioner should be directed to surrender and go on bail on any such terms and conditions as would be fixed by the Court.

7. Considering the above submission of the learned counsel for the petitioner and the fact that the petitioner is the brother-in-law of the deceased and having regard to the nature of allegations which are omnibus in nature, as it appears from Annexure-1, the Court is of the view that the petitioner may be directed to surrender before the court below and allowed to go on bail subject to conditions which would serve the purpose.

8. Accordingly, it is ordered.

9. In the result, CRLMC stands disposed of with a direction to the petitioner to surrender before the court of learned JMFC, Basta on or before 14<sup>th</sup> October, 2022 corresponding to C.T. Case No.211 of 2021 arising out of Singla P.S. Case No. 62 of 2021 and in the event of his surrender, the court below shall release him on bail with conditions.

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

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