

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2535 of 2022

Sarangadhar Nayak

.... **Petitioner**
Mr. M. Mishra, Advocate

-Versus-

State of Odisha

.... **Opposite Party**
Mr. P. Tripathy, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
27.09.2022

Order
No.
01.

1. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
2. In the instant case, the petitioner has challenged the impugned order under Annexure-6 whereby the learned J.M.F.C.M., Aul in G.R. Case No.206 of 2021 directed issuance of non-bailable warrant of arrest.
3. Learned counsel for the petitioner submits that the petitioner is the husband of the informant/victim who lodged the FIR, a copy of which is at Annexure-1 whereupon, the Aul P.S. Case No.206 dated 17th July, 2021 was registered under Section 498-A IPC and other allied offences. It is further submitted that the petitioner as the husband of informant has been paying maintenance for amount of Rs.8,000/- every month and he had been in service at different places outside Odisha and while claiming so, he refers to a copy of certificate issued by a pharmaceutical

company which is at Annexure-2. However, as it appears from the impugned order under Annexure-6, the non-bailable warrant of arrest was issued against the petitioner on the prayer of the I.O on the ground that he was avoiding investigation. The learned counsel for the State on the other hand submits that the learned court below did not commit any error or wrong or illegality so to say while issuing a non-bailable warrant of arrest against the petitioner as he was staying away from investigation which was so informed by the IO and therefore, it calls for no interference.

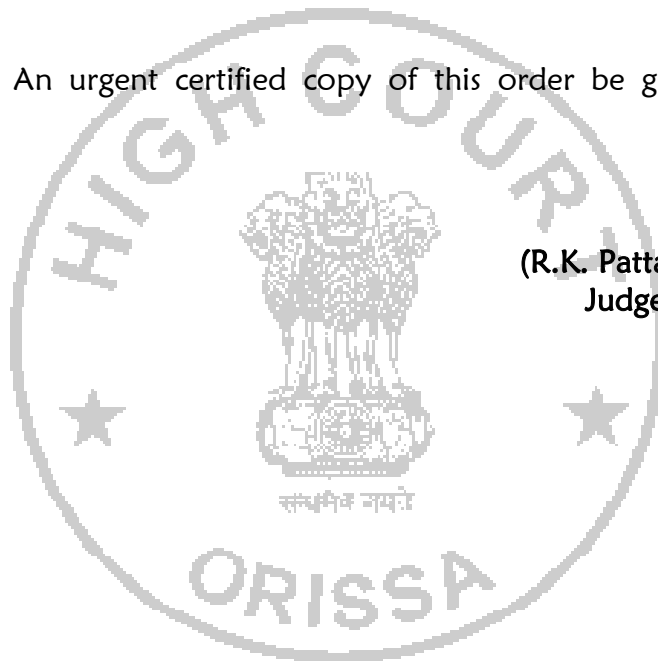
4. The impugned order dated 20th June, 2022 does reveal that the IO moved the learned court below for issuance of non-bailable warrant of arrest against the petitioner by placing the up-to-date case diary and other materials satisfying the absence of the petitioner and his avoiding the investigation consequent upon which the coercive action was taken by the court concerned. The Court does not find any reason to interfere with regard to the impugned order under Annexure-6 which was by the learned court below on being satisfied regarding the absence of the petitioner during the time of investigation as informed by the IO. In other words, there is no ground made out by the learned counsel for the petitioner to have impugned order quashed by exercising inherent jurisdiction under Section 482 Cr.P.C. However, this Court is of the view that the petitioner is the husband and as per his claim, since he has been paying maintenance every month at Rs.8,000/- and all along had been out of the State on account of his employment, he should be directed to surrender before the court below and go on bail which should rather serve the purpose and also expedite the proceeding in G.R. Case No.206 of 2021 which has been held up since the passing of the impugned order under Annexure-6.

5. 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., Aul on or before 20th October, 2022 in connection with G.R. Case No.206 of 2021 corresponding to Aul P.S. Case No.206 of 2021 and in the event of his surrender, the court shall release him on bail with conditions as deemed just and proper in the facts and circumstances of the case.

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

(R.K. Pattanaik)
Judge



TUDU