

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2537 of 2022

Bijay Ketan Pradhan

....

Petitioner

Mr. B.K. Ragada and
Ms. S. Sahoo, Advocates

-Versus-

State of Odisha

....

Opposite Party

Mr. S.S. Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
20.09.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned Standing Counsel for the State.
 2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner challenging the impugned notice under Annexure-2 thereby learned Sub-Divisional Magistrate, Padampur in Crl. Misc. Case No.265 of 2022 filed under Section 110 of Cr.P.C. with a direction to the petitioner to file show-cause as to why you should not be required to enter into a bond for Rs.1,00,000.00 (Rupees One Lakh) with 02 (two) credible sureties of Jharbandh Police Station area that you will keep the peace for the term of 2 years.
 3. It is submitted by learned counsel for the petitioner that there is no just ground to initiate a proceeding under Section 110 Cr.P.C. since the case is of the year 2019, Jharbandh P.S. Case No.51 Dtd. 17th July, 2019 under Section 341/294/506 IPC was lodged. In response to the said FIR, Mr.Mohapatra, learned Additional

Standing Counsel for the State submits that he needs some time to take instruction in the matter and response back to the Court by the next date. It is submitted that without any basis or justification, Section 110 Cr.P.C. has been taken and offence under Section 395 I.P.C. relates to the case of the year 2008 and rest of the offences are triable by learned Magistrate First Class.

4. Considering the submissions of learned counsel for the parties, this Court is of the view that even though there is police report which suggests that petitioner had been found to have involved in four criminal cases, the petitioner may be allowed to appear in terms of the said impugned order under Annexure-2 and submit an undertaking and for a period of three years instead of insisting for submission of bond, which would rather solve the purpose. Accordingly, it is ordered.

5. Consequently, CRLMC stands disposed of with a direction to the petitioner to appear in the court of learned S.D.J.M., Padampur in Crl. Misc. Case No.265 of 2022 and submit an undertaking that he shall be of good behavior for a period of three years and the same shall be accepted by the learned court below without insisting for execution of any bond which he has called for.

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

(R.K. Pattanaik)
Judge