

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2646 of 2022

Jiten Rout

....
Mr. R. K. Pradhan, Advocate

Petitioner

-Versus-

State of Odisha

....
Mr. S.K. Mishra, ASC

Opposite Party

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. Instant petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the order of cognizance dated 24th November, 2021 passed in G.R. Case No.919 of 2021 pending in the file of learned J.M.F.C., Banarpal on the grounds stated therein.

3. A copy of the FIR which is at Annexure-1 is perused by the Court so also certified copy of the chargesheet.

4. Learned counsel for the petitioner submits that chargesheet has been filed under Sections 468, 419, 420 and 120-B IPC against the petitioner and three other accused persons and he was shown as an absconder, consequent upon which, the learned court below issued a non-bailable warrant of arrest against him and the same is pending execution.

5. It is contended that the petitioner is not involved with regard to the alleged collections which was carried out by the principal accused and others and but then, he has entangled without

any basis and that apart, he himself to be a victim or one of the victims and in so far as the informant is concerned, he happens to be the uncle of the petitioner and considering the fact that the other three accused persons are on bail, it is thus claimed that the learned court below could not have taken cognizance of the offences under Annexure-3 and thereafter, issued a non-bailable warrant of arrest against him which is therefore to be recalled in the interest of justice which is strongly objected to by the learned counsel for the State on the ground that there is prima facie material on record as to his involvement along with others as all of them collected huge amount from different sources on the promise of providing employment with the victims.

6. The Court does not find any wrong or error being committed by the learned court below while taking cognizance of the offences and there is prima facie material so to say revealed from the FIR and the chargesheet and hence, it does not call for interference. However, the Court is of the view that since three other accused persons who are primarily responsible for collection of deposits from public have been released on bail but the petitioner stood chargesheeted showing him as an absconder, he should be directed to surrender before the learned court below and go on bail which would serve the purpose. In other words, though the Court is not inclined to interfere with the impugned order under Annexure-3 which does not suffer from any legal infirmity, it is of the view that the petitioner since was the agent of the principal accused and others should be directed to go on bail in the event of his surrender before the court below.

7. Accordingly, it is ordered.

8. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the court of learned J.M.F.C.,

Banarpal in connection with G.R. Case No.919 of 2021 on or before 20th October, 2022 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.

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

(R.K. Pattanaik)
Judge

TUDU

