

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2739 of 2022

Balaram Behera

....

Petitioner

Mr. B.B.Routray, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. P.K.Rout, AGA

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

28.09.2022

Order No.

01.

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The present challenge is as to the order of cognizance under Anneuxre-3 subsequent to the filing of the chargesheet in connection with C.T. Case No. 1206 of 2018 corresponding to Kaliapani P.S. Case No. 85 of 2018 pending in the court of learned J.M.F.C., Jajpur Road.

3. It is submitted by the learned counsel for the petitioner that the petitioner may be directed to surrender and go on bail with any conditions. In fact, such a prayer is made without pressing the petition on merits. The learned AGA, Mr. Rout submits that it is a case of theft of battery from an Airtel Tower and the petitioner is having criminal antecedent. It is informed to the Court by the learned counsel for the petitioner that the petitioner was in custody in Jarapada P.S. Case No. 36 of 2018 pending in the court of learned SDJM, Angul but he was not spared and subsequent thereto, he was released on bail but in the meantime, in the present case

since the charge sheet was filed showing him as an absconder, the court below issued NBWA against him which is pending execution.

4. Considering the above submission, the Court although not inclined to interfere with the impugned order under Annexure-3 but is of the view that the petitioner should be directed to surrender and allowed to go on bail with conditions by recording submission the learned counsel appearing for him to the effect that he is having only one criminal case and no other antecedent against the petitioner.

5. Accordingly, it is ordered.

6. 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., Jajpur Road on or before 20th October, 2022 in connection with C.T. Case No. 1206 of 2018 corresponding to Kaliapani P.S. Case No. 85 of 2018 and in the event of his surrender, the court below shall release him on bail with conditions and also subject to confirmation that he is involved in only one case i.e. Jarpada P.S. Case No. 36 of 2018 pending in the court of learned SDJM, Angul.

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

(R.K. Pattanaik)
Judge

