

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2765 of 2022

Somanath Moharana @ Maharana

....

Petitioner

Mr. A.S. Paul, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. S.S. Mohapatra, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

17.10.2022

Order
No.

01.

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

2. In the instant case, the challenge is as to the impugned order dated 6th June, 2019 whereby the learned court below after having taken cognizance of the offences issued NBWA against him on the grounds stated therein.

3. Learned counsel for the petitioner submits that the amount which is said to have been received from the victims was by the other accused, namely, Pramod Maharana and in so far as the petitioner is concerned, he does not have any criminal antecedent and as in the meantime, investigation stands concluded and chargesheet is filed, he should be directed to surrender and go on bail on any such conditions as would be fixed by the learned court below. Mr. Mohapatra, learned ASC, on the other hand, submits that number of persons have in fact lodged the FIR with the allegation that the petitioner and other accused received money from them and both have cheated for providing VISA and when

demand for return of money was made, they were abused and threatened.

4. Learned counsel for the petitioner submits that the petitioner is a relation of the other accused, who is primarily responsible for receiving the money and cheating the victims and having received amount of Rs.10,000/- each from 20-27 persons. But the FIR alleges that the accused persons received money for an amount between Rs.40,000/- to 45,000/- each for providing VISA to victims.

5. Considering the above facts and submission of leaned counsel for the petitioner, the Court is of the view that in the facts and circumstances of the case and the fact that the other accused, who was in custody but has been released on bail in the meantime, the petitioner should be directed to surrender and apply for bail.

6. Consequently, CRLMC stands disposed of with a direction to the petitioner to surrender before the learned court of J.M.F.C., Banpur on or before 3rd November, 2022 in connection with G.R. Case No.88 of 2019 corresponding to Banpur P.S. Case No.66 of 2019 and in the event he surrenders and prays for bail within the stipulated time, the court shall release him imposing stringent conditions.

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

(R.K. Pattanaik)
Judge