

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2907 of 2022

Prince Jaiswal @ Ravi Jaiswal

....

Petitioner

Mr.Julu Khansama, Advocate

-Versus-

State of Odisha

....

Opposite Parties

Mr. Tapas Kumar Praharaj,SC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

28.11.2022

Order No.

02.

1. Heard learned counsel for the petitioner, Mr. Praharaj learned counsel for the State.

2. In the present case, the challenge is as to the order of cognizance dated 4th March, 2021 passed in G.R. Case No. 41 of 2021 arising out of Barbil P.S. Case No. 13 of 2021 pending in the file of learned JMFC, Barbil on the grounds stated therein.

3. Copy of the impugned order is at Annexure-1 and the same is perused whereby the learned court below has taken cognizance of offences under Section 498-A IPC and other allied offences besides 4 of Dowry Prohibition Act against the petitioner and others. The petitioner was, however, shown as an absconder in the chargesheet.

4. Learned counsel for the petitioner submits that the petitioner had approached this Court in ABLAPL No. 2089 of 2021 and his

anticipatory bail was allowed, however, in the meantime, the local police submitted the chargesheet. It is submitted that the said order of this Court could not be given effect to as the local police declined to release the petitioner on bail since by then the chargesheet had been submitted before the learned court below.

5. Mr. Praharaj, learned counsel for the State, however, submits that since the chargesheet was filed and thereafter, the learned court below has taken cognizance of the offences, there is no illegality or infirmity therein and hence, it needs no interference.

6. At this juncture, learned counsel for the petitioner prays that the petitioner should at least be directed to surrender and released on bail since he had been granted anticipatory bail by this Court in ABLAPL No. 2089 of 2021 dated 16.03.2021. A copy of the bail order in ABLAPL No. 2089 of 2021 is at Annexure-3.

7. Considering the above limited prayer, the CRLMC should be disposed of with a direction to the petitioner, though the Court is not inclined to interfere with the impugned order under Anneuxre-1, to surrender before the learned court below and allowed to be bail subject to conditions.

8. Accordingly, it is ordered.

9. In the result, the petitioner is hereby directed to surrender before the learned court of JMFC, Barbil on or before 16th December, 2022 in connection with G.R. Case No. 41 of 2021 arising out of Barbil P.S. Case No. 13 of 2021 and in the event he surrenders within the stipulated time, the court below shall release him on bail subject to

conditions as would be found just and proper in the facts and circumstances of the case.

10. Urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge



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