

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3066 of 2022

Binod Pradhan @ Bulanda Pradhan
and Another

....

Petitioners

Mr. J. Sahoo, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. S. Mishra, ASC

CORAM:

MR. JUSTICE R.K. PATTANAIK

Order
No.

01.

ORDER
23.11.2022

1. Heard counsel for the petitioners and learned counsel for the State.
2. Mr. Sahoo, learned counsel for the petitioners submits that the informant's son committed suicide and thereafter, the report was lodged consequent upon which Rambha P.S. Case No.203 of 2022 was registered under Section 306 IPC and other allied offences. It is further submitted that the petitioners are in no way directly responsible for the death of the deceased who after having lost mental balance committed suicide. The circumstances under which the victim committed suicide stands described in the FIR and according to Mr. Sahoo, learned counsel for the petitioners, no prima facie case is made out against them.
3. Mr. Mishra, learned counsel for the State on the other hand submits that the involvement of the petitioners is alleged in the FIR.
4. Mr. Sahoo, learned counsel for the petitioners submits that investigation is still open in terms of Section 173(8) Cr.P.C and so far

as the preliminary chargesheet is concerned, it is against the other accused persons not the petitioners, one of whom was then the President of village committee and another, a co-villager. In course of hearing, Mr. Sahoo, learned counsel for the petitioners submits that if the Court is not inclined to interfere with the criminal proceeding, the petitioners should at least be directed to surrender before the learned court below and released on bail subject to conditions which would serve the purpose for the present.

5. Considering the allegations in the FIR i.e. Annexure-1 and circumstances leading to the death of the victim, who admittedly committed suicide after an incident dated 14th June, 2022 happened, the Court is of the view that the petitioners should be directed to surrender so as to enable them to face the enquiry and trial in the event, a chargesheeted is filed by the local police.

6. Accordingly, it is ordered.

7. Consequently, CRLMC stands disposed of with a direction to the petitioners to surrender before the learned J.M.F.C. Khallikote on or before 9th December, 2022 in connection with G.R. Case No.617 of 2022 corresponding to Rambha P.S. Case No.203 of 2022 and in the event they surrender within the time stipulated, the court shall release them on bail subject to condition as deemed just and proper in the facts and circumstances of the case.

8. Urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge