

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3142 of 2022

Kanhu Charan Mohanty

....

Petitioner

Mr. S.K.Baral, Advocate & Associates

-Versus-

State of Odisha & Another

....

Opposite Parties

Mr. T.K.Paraharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
07.12.2022

Order No.

03.

1. Heard learned counsel for the petitioner and Mr. Praharaj, learned counsel for the State.
2. Instant petition Section 482 Cr.P.C. is at the behest of the petitioner assailing the order of cognizance under Anneuxre-2 passed in C.T. Case No. 64 of 2022 by the learned S.D.J.M., Athgarh on the grounds stated therein.
3. A copy of the F.I.R. is at Anneuxre-1 series and the same is perused by the Court. In fact, a report was lodged whereafter Khuntuni P.S., Khuntuni P.S. Case No. 24 of 2022 was registered under the IPC offences besides Section 56 of the Disaster Management Act, 2005 and Criminal Law (Amendment) Act.
4. A copy of the impugned order is at Annexure-2 series whereby the learned court below took cognizance of the said offences vis-à-vis the petitioner and others.

5. While not pressing the matter on merits, learned counsel for the petitioner submits that considering the nature of allegations and the fact that the petitioner and other accused persons were protesting before the concerned P.S. for transfer of the IIC concerned, some mischief was committed for which the F.I.R. was drawn and the case was registered against them and since in the meantime, other accused persons have been granted bail by this Court in ABLAPL No. 2599 of 2022 by order dated 6th April, 2022, the petitioner should at least be directed to surrender before the court below and released on bail. It is informed to the Court that the plea for anticipatory bail for the petitioner and four others was rejected due to presence of criminal antecedents.

6. Mr. Praharaj, learned counsel for the Stat, however, submits that since there is a prima facie case made out and chargesheet is filed for the alleged offences, the impugned order under Anenuxre-2 series should not be interfered with.

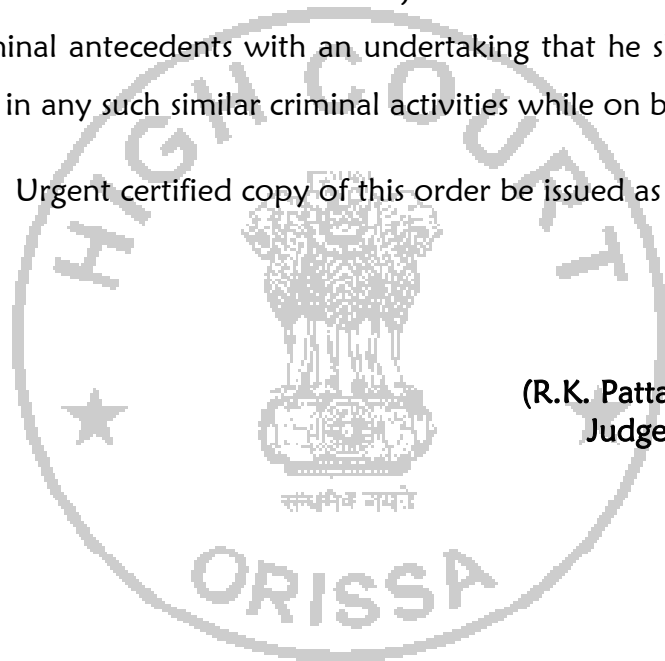
7. While looking at Anneuxre-1 series and the contents thereof, the Court finds that the petitioner and many other persons committed the alleged mischief and in course of the alleged incident abused and threatened the local police while protesting the transfer of the IIC of the P.S. and hence, there is a prima facie material on record to show his involvement. The Court is of the view that as against the evidence collected and submitted along with the chargesheet, no case is made out for interference for quashing of the criminal proceeding. However, considering the limited prayer, having regard to the nature of the allegations and the circumstances leading to the lodging of F.I.R. i.e. Annexufre-1 series, the Court is of the view that the petitioner should be directed to surrender before the court below in connection with

C.T. Case No. 64 of 2022 and released on bail subject to conditions which would serve the purpose and meet the ends of justice.

8. Accordingly, it is ordered.

9. In the result, CRLMC stands disposed of with a direction to the petitioner to surrender before the court of learned SDJM, Athgarh on or before 22nd December, 2022 in connection with C.T. Case No. 64 of 2022 corresponding to Khuntuni P.S. Case No. 24 of 2022 and in the event he surrenders within the time stipulated, the learned court below shall release him on bail subject to conditions keeping in view his criminal antecedents with an undertaking that he shall not involve himself in any such similar criminal activities while on bail.

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



(R.K. Pattanaik)
Judge