

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3260 of 2022

Bika@Bikash Ranjan Behera

.... Petitioner
Mr. Arijeet Mishra, Advocate

-Versus-

State of Orissa

.... Opposite Party
Mr. T.K. Praharaj, S.C.

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
24.11.2022

Order No.

02.

1. The claim of the petitioner in the present case is to quash the order of cognizance dated 7th September, 2021 passed by the learned S.D.J.M., Talcher in G.R. Case No. 1326 of 2021 arising out of Colliery P.S. Case No.292 of 2021 on the grounds stated therein.
2. Learned counsel for the petitioner submits that no case is made out against the petitioner as he is involved in the alleged incident but has been implicated since the amount which has been deposited in his account belongs to the informant. It was further submitted that the petitioner was present at the time of transaction which he in fact received the money and then deposited the same in petitioner's account and on such ground his complicity has been alleged and in the meantime his brother-in-law has been apprehended by the police and subsequently released on bail.
3. Mr. Praharaj, learned Standing Counsel for the State submits that the amount was received and deposited he is alleged of

committing overt act which is revealed from the FIR and chargesheet and other materials.

4. At this juncture, learned counsel for the petitioner submits that the Court is not inclined to quash the impugned order of cognizance under Annexure-3 and in view of the fact that principal accused has been released petitioner should be directed to surrender and allowed to go on bail subject to conditions. In the meantime the court below issued NBW against the petitioner, which is pending execution against the petitioner.

5. Considering the limited prayer involved herein, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned S.D.J.M., Talcher on or before 9th December, 2022 in G.R. Case No.1326 of 2021 arising out of Colliery P.S. Case No.292 of 2021 and in the event of surrender, the court below shall surrender and released him on bail subject to conditions as per and in accordance with law.

(R.K. Pattanaik)
Judge

U.K.Sahoo