

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3342 of 2022

Mandini Hial and Another Petitioners
Mr. Soumya Ranjan Das, Advocate

-Versus-

State of Odisha and Another Opposite Parties
Mr. S. S. Mohapatra, ASC, OP No.1
None for OP No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
24.11.2022

Order No.

01. 1. Heard learned counsel for the respective parties.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners for quashing of the criminal proceeding in T.R. No.26 of 2021 arising out of Bishamakatak P.S. Case No.46 of 2021 pending in the file of learned Additional District and Sessions Judge-cum-P.I.O., Special Court, POCSO Act, Rayagada on the ground stated therein.
3. Mr. S.R. Das, learned counsel for the petitioners while referring to the FIR at Annexure-1 and charge-sheet at Annexure-2 submits that the petitioners did not have any role to play in the incident and the statement of the victim recorded under Section 161 Cr.P.C., he did not allege anything adverse against the petitioners but then they have been entangled in the FIR and chargehseet has been filed by the police, therefore a prayer has been made to quashed the criminal proceeding in T.R. No.26 of 2021.
4. Mr. Mohapatra, learned Additional Standing Counsel for the State on the other hand submits that there is material to show

that the petitioners are in touch with the principal accused. It is further submitted that at the time of elopement, the victim a minor aged about 14-15 years.

5. Copy of the statement of the victim recorded under Section 161 Cr.P.C. under Annexure-4 is perused by the Court.

6. Considering the submissions made by learned counsel for the petitioners, the Court is of the view that the petitioners should be granted liberty to take any such pleas as are available to them in law at the time of framing of charge.

7. At this juncture, Mr. Das, learned counsel for the petitioners submits that direction may be issued to the petitioners to surrender before the learned court below and released on bail in view of the fact that NBWAs have been issued against the petitioners.

8. In view of the above submissions and considering the submissions of the respective parties, this Court directs the petitioners to surrender before the learned Additional District and Sessions Judge-cum-P.I.O., Special Court, POCSO Act, Rayagada on or before 15th December, 2022 in T.R. No.26 of 2021 arising out of Bishamakatak P.S. Case No.46 of 2021 and in the event they surrender, the court below shall released them on bail with conditions. It is further directed that the petitioners in the event surrender and apply for discharge by filing an application, the same shall also be considered and appropriate directed may be given after framing of charge.

9. CRLMC stands disposed of.

10. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge