

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3415 of 2022

Md. Ashfaque Ahemad Jahan Petitioner
Mr. Amulya Ratna Panda, Advocate

-Versus-

State of Odisha Opposite Party
Mr.T.K. Praharaj, S.C.

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
12.12.2022

Order No.

- 02.
1. Heard learned counsel for the respective parties.
 2. Prayer in the present case is for quashing of the criminal proceeding in C.T. Case No.97 of 2018 arising out of Singla P.S. Case No.7 of 2018 pending in the file of learned J.M.F.C., Basta on the grounds stated therein.
 3. Mr. Panda, learned counsel for the petitioner submits that the petitioner was a Branch Manager of UCO Bank and the FIR was lodged with the allegation that he along with other accused persons fraudulently withdrew Rs.1,95,250/- from the account of the informant's father who was by then dead whereafter petitioner was removed from service. It is further submitted that during and in course of departmental enquiry, he deposited Rs.70,000/-. It is claimed that even though the FIR was lodged in the year 2018 but investigation is still in progress and no chargesheet has been filed as yet. Considering the above facts, Mr. Panda, learned counsel for the petitioner submits that the petitioner who was a Bank officer and

was involved in the alleged withdrawal and subsequently removed from service should be directed to surrender before the learned court below, if the Court is not inclined to quash the criminal proceeding pending against him.

4. Learned counsel for the State on the other hand submits that prima facie case is proved against the petitioner, whose involvement was established and subsequently he was removed from service and hence, no interference is warranted by this Court

5. In the backdrop of the case, the Court is not inclined to interfere with the proceeding C.T. Case No.97 of 2018 pending in the court of learned J.M.F.C., Basta. However, having regard to the fact that the petitioner was a Branch Manager at the relevant point of time, he should be directed to surrender before the learned court below and released on bail. In other words, though the Court is not inclined to interfere with the criminal proceeding but is of the view that the petitioner should be allowed to surrender and be on bail subject to conditions considering the prayer made by Mr. Panda, learned counsel for the petitioner.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned J.M.F.C., Basta on or before 23rd December, 2022 in C.T. Case No.97 of 2018 arising out of Singla P.S. Case No.7 of 2018 and in the event he surrenders, the court below shall release him on bail with conditions keeping in view the facts and circumstances of the case.

8. Issue urgent certified copy of this order on proper application.

(R.K. Pattanaik)
Judge