

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3485 of 2022

Mohammad Sabir

.... **Petitioner**
Mr. P.C. Das, Advocate

-Versus-

State of Odisha

.... **Opposite Party**
Mr. S.S Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
05.12.2022

Order
No.

01.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. Instant petition under Section 482 Cr.P.C. is moved by the petitioner for quashing of the criminal proceeding in connection with C.T. Case No.7243 of 2021 pending in the file of learned S.D.J.M., Bhubaneswar.
3. A copy of the FIR as at Annexure-1.
4. Leaned counsel for the petitioner submits that the petitioner was no way involved with the company, namely, the Bajaj Finance Ltd. but the allegation is that he along with another accused, a contractual employee of the said company managed to create fake documents showing loans to have been raised for the customers, who later on claimed not to have purchased any of the products of the company and considering the nature of allegation and the petitioner not being an employee of the company in

question not directly or indirectly involved in the alleged transactions, no offence under Section 408 IPC is made out. Mr. Mohapatra, learned counsel for the State on the other hand submits that the involvement of the petitioner is revealed from Annexure-1 and he is in connivance with the other accused an employee from contractual source did the alleged mischief and said to have misappropriated an amount of Rs.10 lac.

5. It is informed to the Court that the investigation is in progress.

6. Considering the fact that the investigation is pending, the Court is not inclined to interfere with the criminal proceeding. It is well settled law that inherent jurisdiction under Section 482 Cr.P.C. should not be exercised at the very inception unless and until there is a case made out. In the instant case, since the involvement of the petitioner is yet to be revealed as investigation is underway, the Court is of the view that on such a ground which is factually based the criminal proceeding should not be quashed. A decision should be left for local police take with regard to the nature of involvement vis-a-vis the petitioner.

7. However, at this juncture, learned counsel for the petitioner submits that considering the limited prayer and nature of allegation as against the petitioner, since the Court is not inclined to interfere with the criminal proceeding, he should be directed to surrender and released on bail with any condition which is again objected to by Mr. Mohapatra, learned counsel for the State.

8. On a proper reading of the contents of the FIR i.e. Annexure-1, the Court finds that the contractual employee of the

company was involved and the petitioner in connivance with him did the mischief. Whether the allegation is true or false and if at all there was any involvement of the petitioner in the alleged transactions lies within the domain of the trial. However, having regard to the allegation which is primarily directed against the contractual employee of the company, the Court is of the view that the petitioner should be directed to surrender and released on bail subject to conditions.

9. Accordingly, it is ordered.

10. In the result, CRLMC stands disposed of with a direction to the petitioner to surrender before the learned S.D.J.M., Bhubaneswar on or before 22nd December, 2022 in connection with C.T. Case No.7243 of 2021 corresponding to Capital P.S. Case No.848 of 2021 and in the event he surrenders, the court below shall release him on bail subject to conditions.

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

(R.K. Pattanaik)
Judge