

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3598 of 2022

Chintamani Naik

....

Petitioner

Mr. Suryakanta Dwibedi, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. Sitikanta Mishra, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

30.11.2022

Order No.

01.

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. Prayer in the present case is to quash the impugned order dated 27th October, 2021 passed in G.R. Case No. 61 of 2021 corresponding to Khandapada P.S. Case No. 60 of 2021 and also the entire criminal proceeding on the grounds stated therein.

3. Learned counsel for the petitioner refers to the F.I.R., a copy of which is at Annexure-2 and submits that Khandapada P.S. Case No. 60 of 2021 was registered under Section 363 IPC and during investigation, the petitioner was granted anticipatory bail for an offence under Section 363 IPC and in the meantime, chargesheet was filed for a higher offence of Section 366 IPC besides Section 363 IPC and considering the same, it is apprehended that process by coercive means may be issued by the court concerned. It is claimed that considering the statement of the victim recorded under Section

161 Cr.P.C. which indicates that she eloped with the petitioner, since no case under Section 363 & 366 IPC is made out, the criminal proceeding should be quashed which is objected to by Mr. Mishra, learned counsel for the State.

4. By referring to the statement under Section 161 Cr.P.C. of the victim, the Court is not inclined to interfere with the criminal proceeding at this stage. At this juncture, learned counsel for the petitioner submits that since the petitioner was on anticipatory bail and in the meantime, for a higher offence the chargesheet is filed, if the Court is not inclined to interfere with the criminal proceeding in connection with G.R. Case No. 61 of 2021, the petitioner should at least be directed to surrender before the learned court below and released on bail which it is inclined to.

5. Accordingly, it is ordered.

6. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the court of learned JMFC, Khandapada on or before 20th December, 2022 in G.R. Case No. 61 of 2021 corresponding to Khandapada P.S. Case No. 60 of 2021 and in the event he surrenders, the court below shall release him on bail with conditions.

7. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge