

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3618 of 2022

Meghanath Pahan @ Megha & Another

Petitioners

Mr. J.Sahoo, Advocate

-Versus-

State of Odisha

.... Opposite Party

Mr. S.S.Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
05.12.2022

Order No.

- 03.
1. Heard Mr.Sahoo, learned counsel for the petitioners and Mr. Mohapatra, learned counsel for the State.
 2. Prayer in the present case is for quashing of the impugned order of cognizance dated 24th December, 2021 in G.R. Case No. 1164 of 2021 passed by the learned JMFC, Khallikote on the ground that the petitioners are in no way involved in the alleged incident as they are the mother and uncle of the principal accused.
 3. Mr. Sahoo, learned counsel for the petitioners submits that considering the nature of allegation and the fact that investigation stands concluded and chargesheet is filed vis-à-vis the petitioners being the relations of the principal accused, they should directed to surrender before the learned court below and released on bail which is objected to by Mr. Mohapatra, learned counsel for the State.

4. Having regard to the fact that the offence under Section 376(2)(n) IPC is against the principal accused and the allegation is against the petitioners is described in the F.I.R., though the Court is not inclined to interfere with the criminal proceeding on any of the grounds raised by Mr.Sahoo, learned counsel for the petitioner, it is of the view they should however be directed to surrender before the learned court below and released on bail subject to conditions.

5. Accordingly, it is ordered.

6. In the result, CRLMC stands disposed of with a direction to the petitioners to surrender before the court of learned JMFC, Khallikote in connection with G.R. Case No. G.R. Case No. 1164 of 2021 on or before 22nd December, 2022 and in the event they surrender, the learned court below shall release them on bail on such conditions as found to be just and proper.

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

(R.K. Pattanaik)
Judge