

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2524 of 2021

Jaganath Nayak

.... **Petitioner**
Mr. Manas Chand, Advocate

-Versus-

State of Orissa

.... **Opposite Party**
Mr. Tapas Kumar Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
28.09.2022

Order No.

05.

1. Heard Mr. Manas Chand, learned counsel for the petitioner and Mr. T.K. Praharaj, learned Standing Counsel for the State.
2. Mr. Chand, learned counsel for the petitioner files copies of the bail orders in Court today, which are taken on record.
3. Instant petition under Section 482 Cr.P.C. is filed by the petitioner challenging the order of cognizance dated 24th December, 2020 passed by the learned NGN-cum-J.M.F.C., Tangi in G.R. Case No.364 of 2020 arising out of Tangi P.S. Case No.258 of 2020 whereby learned Magistrate has taken cognizance of the offences under Sections 498-A/304-B/306/34 of IPC and Section 4 of D.P. Act and thereafter, issued NBWA against the petitioner.
4. Mr. Chand, learned counsel for the petitioner submits that at the time of the alleged incident, petitioner was in Dubai and also considering the nature of allegations, he cannot be held responsible for the death of his wife. It is further submitted that other co-

accused persons have been granted bail by this Court in ABLAPL No.10500 of 2020 and BLAPL No. 6951 of 2020.

5. Mr. Praharaj, learned Standing Counsel submits that admittedly chargesheet is one under Section 304-B IPC and considering the materials on record and since there is a prima facie case against all the persons including the present petitioner, the order of cognizance dated 24th December, 2020 should not be interfered with.

6. Considering the submissions made as above and the materials on record, the Court does not find any illegality committed by the learned court below while taking cognizance of the offences so as to warrant any interference notwithstanding the fact that there is a mention regarding absence of the petitioner as he had been to Dubai at the relevant point of time. In fact, the Court finds from the FIR that the deceased was ill-treated. There is material prima facie to show the involvement of the petitioner and rightly thereafter the local police submitted chargesheet and the court below took cognizance for the offences and proceeded further.

7. Since the petitioner was shown as an absconder, the learned court below rightly issued NBWA against him fixing the case to a date for his production. It is submitted that the NBWA is still pending execution.

8. Having regard to the above facts and though the Court is not inclined to interfere with the impugned order, it is of the view that the petitioner should at least be directed to surrender and in and released on bail on conditions as deem fit and proper.

9. Accordingly, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned NGN-cum-J.M.F.C., Tangi on or before 20th October, 2022 in connection with

G.R. Case No.364 of 2020 arising out of Tangi P.S. Case No.258 of 2020 and in the event of surrender, he shall be released on bail on such terms as found just and expedient.

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

(R.K. Pattanaik)
Judge

U.K.Sahoo

