

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.125 of 2022

Bijaya Kumar Samal another ***Petitioners***
Mr. A.N. Samantaray, Advocate
-versus-
State of Odisha ***Opp. Party***
Mr. S. Patra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

25.07.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
 4. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.
 5. The petitioners are seeking pre-arrest bail in connection with G.R. Case No.639 of 2021, arising out of Balimi P.S. Case No.233 of 2021 pending in the court of learned S.D.J.M., Dhenkanal for commission of offence punishable under Sections 420/506/34, I.P.C.
 6. It is submitted by learned counsel for the petitioners that out of total Rs.4,70,000/-(rupees four lakhs seventy thousand), the petitioner has paid a sum of Rs.1,60,000/-(rupees one lakh sixty thousand) to the informant, which has also been admitted in the F.I.R. and the balance of Rs.3,10,000/-(rupees three lakhs ten thousand) to be paid to the informant. Learned counsel for the petitioners submits that the petitioners are taking necessary arrangements to refund the aforesaid

money to the informant.

7. Considering the nature of seriousness allegation, gravity of offence and the fact of the case, this Court although is not inclined to grant anticipatory bail to the petitioners. However, it is directed that in the event the petitioners surrender before the learned court in seisin over the matter and move an application for anticipatory bail along with an undertaking with regard to refund of the balance amount to the informant within a period of three weeks from today in the aforesaid case, they shall be released on bail on such terms and conditions as would be deemed just and proper.

8. It is further directed that the bail granted to the petitioners is subject to the condition that learned court below shall verify whether the petitioners have any criminal antecedents of similar nature. In the event it is found that the petitioner has any criminal antecedents, this bail order shall automatically stand revoked.

9. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

Jagabandhu

(**A.K. Mohapatra**)
Judge