

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.214 of 2022

Madan Tripathy

....

Petitioner

*Mr.Jagabandhu Sahu
Senior Advocate*

-versus-

State of Odisha

....

Opp. Party

*Mr. Tapas Kumar Praharaj,
Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
31.01.2022**

Order No.

01. This matter is taken up through video conferencing.

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

This is an application under section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Puintala P.S. Case No. 121 of 2021 corresponding to G.R. Case No.865 of 2021 pending in the Court of learned S.D.J.M., Balangir for the commission of the alleged offence punishable under section 392 of the Indian Penal Code.

Learned counsel for the petitioner submitted that the F.I.R. was lodged against unknown persons and during the course of investigation, some of the

co-accused persons were taken into custody and they have been released on bail by the learned Sessions Judge, Balangir. Copy of the bail order has been annexed to the anticipatory bail application. Learned counsel further submitted that since the implication of the petitioner is based on the confessional statement of the co-accused before police, the anticipatory bail application may be favourably considered.

Learned counsel for the State, on the other, opposed the prayer for anticipatory bail and submitted that though the case was registered under section 392 of the Indian Penal Code, but subsequently it has turned to section 395 of the Indian Penal Code.

Considering the submissions made by the learned counsel for the respective parties and nature of accusation against the petitioner, while not inclining to grant anticipatory bail to the petitioner, liberty is granted to the petitioner to surrender and move for bail in the Court below within a period of four weeks, in the event of which the learned Courts below shall dispose of the same in accordance with law expeditiously and the claim of parity with the co-accused persons, who are stated to have been released on bail shall be taken into account. The case records shall be made available to the Courts concerned for disposal of the bail application.

The ABLAPL stands disposed of.

Parties may utilize the soft copy of this order

available in the High Court's website or print out thereof at par with certified copy in the manner prescribed vide office order dated 7th January 2022.

(S.K. Sahoo)
Judge

PKSahoo

