

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.246 of 2022

Dr. Prahallad Panda* *Petitioner

Mr. S.K.Padhi, Senior Advocate
Mr. S.S. Mohanty, Advocate

-versus-

State of Odisha* *Opp. Party

Mr. D.K. Pani,
Addl. Standing Counsel
Mr. A.K. Pradhan, Advocate for
the informant

CORAM:
JUSTICE S.K. SAHOO

ORDER
27.04.2022

Order No.

04. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard Mr. S.K. Padhi, learned Senior Advocate appearing for the petitioner, Mr. A.K. Pradhan, learned counsel for the informant and Mr. D.K. Pani, learned Additional Standing Counsel for the State of Odisha.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Paradeep P.S. Case No.07 of 2022 corresponding to G.R. Case No.18 of 2022 pending in the Court of learned J.M.F.C. (P), Kujanga for alleged

commission of offences under sections 323/294/506/354-A(1)(ii)/354/509 of the Indian Penal Code.

Perused the F.I.R.

Mr. S.K. Padhi, learned Senior Advocate appearing for the petitioner submitted the petitioner is the Chief Medical Officer of Paradeep Port Trust Hospital and he is aged about sixty one years and the offences under which the case has been registered are all triable by Magistrate. It is further argued that since administrative action was taken by the petitioner against the informant, who was a staff nurse in the said hospital, for her negligence and extremely poor performance in duty, false case has been foisted and therefore, the anticipatory bail application of the petitioner may be favourably considered.

Learned counsel for the informant, on the other hand, submitted that the petitioner was granted interim protection as per the order dated 31.01.2022 and he has flouted the terms and conditions of such order.

When a query was made to the learned counsel for the informant as to in what way the petitioner has flouted the order of interim protection, learned counsel for the informant submitted that the petitioner has threatened to one Nibedita Jena, who was a witness in her case and for the physical and mental

harassment by the petitioner, the said witness died.

Mr. Padhi, learned Senior Advocate placed the statement of Nibedita Jena from which it reveals that she had not uttered anything against the petitioner rather she praised the petitioner for his disciplinary action against the staff. In the objection affidavit filed by the petitioner to the interim application filed by the informant for vacation of interim protection, it has been enumerated in detail as to how Nibedita Jena died.

Learned counsel for the State also submitted that there is nothing against the petitioner that he has flouted the terms and conditions of the order of interim protection.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, the fact that the offences are triable by Magistrate, since the petitioner is a doctor and there is absolutely no material that he has flouted the terms and conditions of the interim order dated 31.01.2022, the said order is made absolute subject to conditions that the petitioner shall cooperate with the investigation and he shall not try to tamper with the evidence in any manner.

Violation of any of the above conditions shall entail cancellation of the anticipatory bail order.

The ABLAPL is accordingly disposed of.

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

(S.K. Sahoo)
Judge

RKM

