

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 296 of 2021

Hemant Kumar Nayak **Petitioner**

Mr.R. Tripathy, Advocate

-versus-

1. State of Odisha **Opp. Parties**
2. Ratnakar Baliarsing

Mrs. Susamarani Sahoo
Addl. Standing Counsel
Mr. Ranjan Kumar Nayak
(for informant)

CORAM:

JUSTICE S.K. SAHOO

ORDER

22.02.2022

Order No.

06.

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

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

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Airfield P.S. Case No.146 of 2020 corresponding to C.T. Case No.3514 of 2020 pending in the Court of learned S.D.J.M., Bhubaneswar for alleged commission of offences under sections 420/468/467/341/294/323/506 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the petitioner submitted that relating to the self-same dispute between the parties, a Civil Suit bearing C.S. Case No.79 of 2020 was pending in the Court of learned Civil Judge (Senior Division), Bhubaneswar and on account of compromise between the parties, the said suit has been withdrawn and the offences are triable by Magistrate and therefore, the bail application of the petitioner may be favourably considered.

Learned counsel for the State opposed the prayer for anticipatory bail.

Learned counsel for the informant on instruction does not dispute the submission that compromise has been effected between the parties but the cheque which was issued by the petitioner in favour of Ratnakar Baliarsingh, the informant in the case, has bounced.

Considering the submissions made by the learned counsel for the respective parties and the fact that the offences are triable by Magistrate and the compromise has already been effected between the parties, I am inclined to release the petitioner on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner in connection with the aforesaid case, he shall be released on bail on furnishing bail bond of Rs.10,000/-

(rupees ten thousand) with two sureties each for the like amount to the satisfaction of the arresting officer with further conditions that the petitioner shall deposit Rs.7,00,000/- (rupees seven lakh) before the learned S.D.J.M., Bhubaneswar in C.T. Case No.3514 of 2020 which arises out of Airfield P.S. Case No.146 of 2020 within a period of one week from today and in the event, the amount is deposited, the same shall be immediately handed over to the opposite party no.2. If the petitioner fails to deposit the aforesaid amount within the time stipulated, the learned S.D.J.M., shall take immediate steps for arrest of the petitioner in connection with this case.

Violation of any terms and conditions shall entail cancellation of bail.

Accordingly, the BLAPL is disposed of.

A copy of the order be communicated to the learned Court below for compliance.

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

p

(S.K. Sahoo)
Judge