

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.443 of 2022

Pankaj Kumar Swain* *Petitioner

Mr. S.R. Mulia, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. A.K. Beura,
Addl. Standing Counsel*

CORAM:

JUSTICE S.K. SAHOO

ORDER

01.02.2022

Order No.

01. This matter is taken up through video conferencing.

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 Jakhapura P.S. Case No.111 of 2021 corresponding to C.T. Case No.1526 of 2021 pending before the learned J.M.F.C., Jajpur Road for commission of alleged offences under sections 407, 420, 379, 411/34 of the Indian Penal Code.

Learned counsel for the petitioner submitted that the offences are triable by Magistrate and the F.I.R. has been lodged against one Saroj Kumar Patra and

the petitioner has not been named in the F.I.R. Learned counsel further submitted that the petitioner is a farmer and is a Biju Krushaka Kalyana Yojana card holder and on the basis of the confessional statement of the co-accused, he is apprehending his arrest in connection with the case and similarly situated co-accused, namely, Dhruba Charan Das has already been released on anticipatory bail in ABLAPL No.16538 of 2021 as per the order dated 24.01.2021 and therefore, the prayer for anticipatory bail may be favourably considered.

Learned counsel for the State submits that the accusation against the petitioner relates to commission of the offence under section 411 of the Indian Penal Code.

Considering the submissions made by the learned counsel for the respective parties, nature of accusation against the petitioner, release of the co-accused on anticipatory bail and the fact that the offences are triable by Magistrate, 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 he shall make himself available for interrogation by the I.O. as and when required and he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing any facts to the Courts or to the Investigating Officer. Violation of any of the above conditions shall entail cancellation of bail.

The ABLAPL is accordingly 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.

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