

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.447 of 2022

Bhagyarathi Sethi* *Petitioner

Mr.D.N. Rath, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr.Arupananda Das,
Addl. Government Advocate*

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

**ORDER
01.02.2022**

Order No.

01. This matter is taken up through video conferencing 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 Khallikote P.S. Case No.05 of 2022 corresponding to G.R. Case No.11 of 2022 pending in the Court of learned J.M.F.C., Khallikote for alleged commission of offences under sections 420, 468, 471 of the Indian Penal Code.

Learned counsel for the petitioner submitted that the petitioner took admission in the National Institute of Medical and Management Studies (NIMMS), Andhra Study Circle under NIMMS (Govt. Regd.), where B.Ed. correspondence course from Annamalai University was provided and since

NIIMS is the attached centre to the Annamalai University, the petitioner took admission in NIMMS and he deposited the dues and completed the B.Ed. course after appearing in the examination and accordingly provisional certificate and mark-sheet was issued in favour of the petitioner. Learned counsel further submitted that the petitioner has annexed all the documents to the anticipatory bail application. It is further submitted that the petitioner is at present continuing as Assistant Teacher in Kendubadi Jholamala Primary School in the district of Ganjam and on the basis of the instruction received from Annamalai University that the certificate is a bogus and forged one, the case has been instituted. Learned counsel further submitted that in view of the documents which are annexed to the application, the ingredients of the offences are not attracted and the petitioner is ready and willing to cooperate with the investigation of the case, the offences are triable by Magistrate and therefore, the prayer for anticipatory bail may be favourably considered.

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

Perused the F.I.R. annexed to the anticipatory bail application.

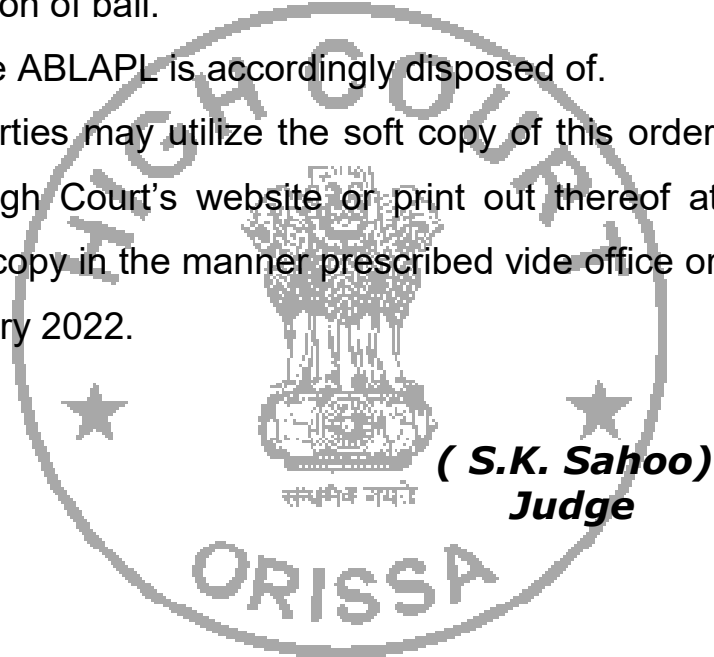
Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner and after going through the documents annexed to the application and the fact that the offences are triable by Magistrate, I am inclined to release the petitioner on anticipatory 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.



PKSahoo