

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.474 of 2022

Mahesh Kumar Garg* *Petitioner

Mr.B. Nayak, Advocate

-versus-

***1. State of Odisha* *Opp. Parties*
*2. Mukesh Bagaria***

Mr. A. Das

Addl. Government Advocate

CORAM:

JUSTICE S.K. SAHOO

ORDER

02.02.2022

Order No.

01. This matter is taken up by 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 Raghunathpali P.S. Case No.205 of 2021 corresponding to G.R. Case No.1939 of 2021 pending in the Court of learned S.D.J.M., Panposh, Rourkela for alleged commission of offence under section 420 of the Indian Penal Code.

Perused the F.I.R..

It is submitted by the learned counsel for the

petitioner that the case arises out of a complaint petition which was forwarded by the learned S.D.J.M., Panposh, Rourkela to the Inspector-in-charge of Raghunathpali police station under section 156(3) of Cr.P.C. and accordingly, the first information report was registered and a civil suit is pending between the parties in the Court of learned Civil Judge (Senior Division), Rourkela in which the petitioner is the plaintiff and the offence is triable by Magistrate and therefore, the bail application of the petitioner may be favourably considered.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, existence of civil suit between the parties and the fact that the offence is 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 complaint case, he shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with one surety 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 such facts to the Court 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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