

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 349 of 2022

Niranjan Senapati

....

Petitioner

Mr. S.P. Sarangi, Advocate

- Versus -

State of Odisha

.... **Opposite Party**

Mr. P.K. Maharaj,

Addl. Standing Counsel

Mr. K.K. Nayak, Advocate

(for informant)

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

16.03.2022

Order No.

4.

1. This matter is taken up through hybrid mode.
2. Heard Mr. S.P. Sarangi, learned counsel for the petitioner, Mr. P.K. Maharaj, learned Addl. Standing Counsel for the State and Mr. R.K. Nayak, learned counsel appearing for the informant.
3. The petitioner is in custody since 17.12.2021 in connection with Baranga P.S. Case No.138 of 2021 corresponding to G.R. Case No.1603 of 2021 pending in the Court of learned J.M.F.C.(R), Cuttack for the alleged commission of offence under Sections 420/468/471/34 of IPC.
4. The main allegation against the petitioner is that he sold a piece of land to the informant for consideration of Rs.29,50,000/- for which the sale deed was executed. However, a total sum of Rs. 57 lakhs is said to have been paid by the informant to the petitioner. Subsequently the informant came to know that the said land had already been mortgaged against a loan availed by the petitioner's son and suppressing such fact he had executed the sale deed. Such fact came to light when the informant received an

advocate's notice issued on behalf of the bank. In course of hearing of the bail application earlier, on the submission made by learned counsel for the petitioner that he is ready and willing to pay the amount in question to the informant, he was granted interim bail by order dated 10.02.2022 for a period of four weeks. As it appears after being released, the petitioner has already paid a sum of Rs.30 lakhs by way of demand drafts, copies of which have been filed in Court and are available on record. Mr. Nayak appearing for the informant also submits on instruction that his client has in fact received the aforesaid amount. In course of hearing, it is further submitted by Sri Sarangi that the petitioner is also willing to clear up the remaining dues, i.e. to the tune of 27 lakhs within a reasonable period.

5. Mr. Nayak submits that necessary condition may be imposed so as to ensure that the petitioner keeps his commitment.

6. Mr. P.K. Maharaj, learned Addl. Standing Counsel also submits that this being basically a private dispute if the same can be settled upon payment of the outstanding dues by the petitioner, the dispute can be set at rest for all times to come.

7. Considering the submissions as above, the materials on record and looking at the bonafides of the petitioner in making payment of Rs.30 lakhs during pendency of the bail application, this Court is inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose along with the following conditions:

- (i) The petitioner shall pay the remaining amount of Rs.27 lakhs to the informant within a period of three months. If

such amount is not paid within the period stipulated, it shall be open to the informant to move the Court below seeking cancellation of the bail and in such event, the Court below shall be at liberty to pass necessary orders.

(2) Upon payment of the total outstanding amount, it shall be open to the parties to approach the competent legal forum for necessary correction of the record of rights.

8. BLAPL is accordingly disposed of.
9. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

