

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.728 of 2022

Abinash Dash

....

Petitioner

Mr. P.K. Rath, Advocate

-versus-

1. State of Odisha

2. Srikanta Nayak

....

Opp. Parties

Mr. Arupananda Das,

Addl. Government Advocate

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

**ORDER
02.11.2022**

Order No.

04.

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 Basta P.S. Case No.322 of 2021 corresponding to C.T. Case No.717 of 2021 pending in the Court of learned J.M.F.C., Basta for alleged commission of offence under section 420/34 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the petitioner submitted that the case arises out of a complaint petition and

the offence is triable by Magistrate and the dispute between the parties is basically civil in nature and as per the averments taken in the complaint petition, there is outstanding dues of Rs.39,56,702/- (rupees thirty nine lakh fifty six thousand seven hundred and two) against the petitioner and it clearly shows that the complainant has utilized the Criminal Court to settle the outstanding dues. Learned counsel further submitted that similar accusation was levelled against the petitioner in three other complaint petitions and this Court in ABLAPL No.1485 of 2022, ABLAPL No.1520 of 2022 and ABLAPL No.1570 of 2022 has already granted anticipatory bail to the petitioner and therefore, the anticipatory bail application of the petitioner may be favourably considered. Learned counsel has filed the copies of the bail orders, which are taken on record.

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

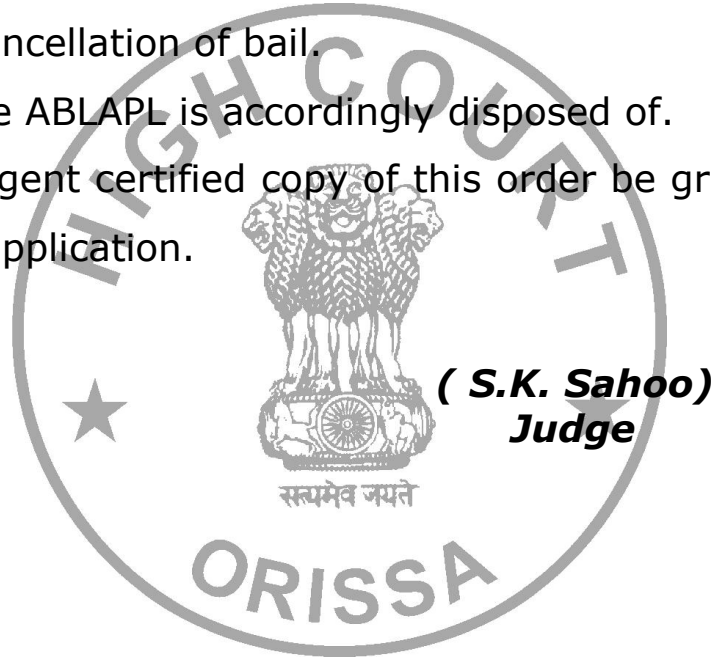
Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner and the offence is triable by Magistrate, I am inclined to release the petitioner on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner in connection with the aforesaid 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 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.

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



RKM