

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.970 of 2022

Sayad Mubbasir Ul Haque ***Petitioner***

Mr. S.R. Mohapatra, Advocate

-versus-

State of Odisha

..... ***Opp. Party***

Mr. P.K. Rout, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

01.08.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioner and learned counsel for the State.
 3. This is an application under Section 438, Cr.P.C. filed by the petitioner for anticipatory bail.
 4. The petitioner is seeking pre-arrest bail in connection with G.R. Case No.1946 of 2021, arising out of Jagatpur P.S. Case No.328 of 2021 pending in the court of learned J.M.F.C. (R), Cuttack for commission of offence punishable under Sections 120-B/ 408/418/420/34, I.P.C.
 5. It is submitted by learned counsel for the petitioner that the petitioner availed loan from Muthoot Mercantile Ltd., Jagatpur Branch by pledging gold. However subsequently, it was found that the gold has no purity as provided by the petitioner and same was disputed by the finance company. Accordingly, the present F.I.R. has

been lodged wherein it is stated by learned counsel for the petitioner that the petitioner is ready and willing to return the loan amount as provided by the finance company and the petitioner may be given some time to clear up the loan amount.

6. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioners. However, it is directed that in the event the petitioners surrender before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, they shall be released on bail on such terms and conditions as would be deemed just and proper subject to condition that initially, the petitioner refund an amount of Rs.2,00,000/-(rupees two lakhs) and rest of the amount shall be provided in four equal installments within a period of four months failing which this order shall automatically revoked.

7. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge