

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1294 of 2022

1. Jayanti Jena

2. Krushna Chandra Jena Petitioners

Mr. A.K. Mohapatra-1, Advocate

-versus-

State of Odisha

.... Opp. Party

Mr. J.P. Patra,

Addl. Standing Counsel

*Mr. B.P. Pradhan, Advocate for
the informant*

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

**ORDER
15.02.2022**

Order No.

02. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard the learned counsel for the petitioners, learned counsel for the informant and learned counsel for the State.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in connection with G.R. Case No.84 of 2022 arising out of Berhampur Town P.S. Case No.09 of 2022 pending in the Court of learned S.D.J.M., Berhampur for alleged commission of offences under sections 419/420/423/465/466/467/471/474/120-B of the Indian Penal Code.

Perused the first information report annexed to the anticipatory bail application.

It is contended by the learned counsel for the petitioners that the dispute between the parties is basically civil in nature and the petitioner no.1 purchased the property in 2021 from one Venkat Rama Rao and petitioner no.2 is a witness to the said sale deed and that he was not aware that one Gopinath Panigrahi impersonated himself as Venkat Rama Rao and sold the property and during course of investigation, it has come to light that the person, who impersonated Venkat Rama Rao is Gopinath Panigrahi and he has already been taken into custody. It is further contended that, in fact, the petitioners have been cheated by the co-accused Gopinath Panigrahi, who impersonated himself as Venkat Rama Rao and since the offences are triable by Magistrate and the petitioner no.1 is a lady, the anticipatory bail application of the petitioners may be favourably considered.

Learned counsel for the State, on the other hand, submitted that there are two criminal cases apart from this case against both the petitioners and the investigation is under progress and custodial interrogation of the petitioners is necessary and the property valuation is near about Rs.3,00,00,000/- (rupees three crores) and therefore, it would not be proper to grant anticipatory bail to the petitioners.

Mr. Pradhan, learned counsel appearing for the informant submitted that Venkat Rama Rao was an Advocate and he expired in 1994 and some dubious persons are creating Aadhar Card and Voter Identity Card in his name and selling away his properties and in this case, Gopinath Panigrahi also created fake Aadhar Card

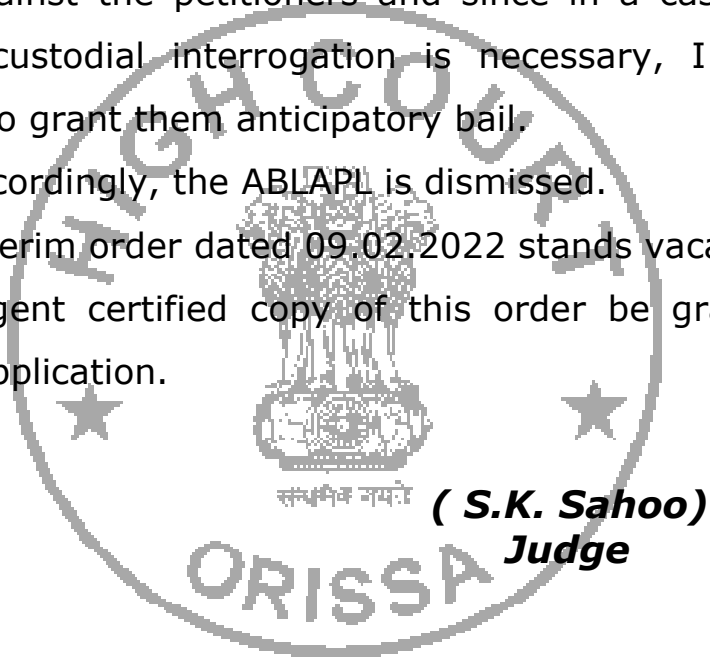
and Voter Identity Card and sold the property to petitioner no.1 in which petitioner no.2 is a witness. It is further submitted that similar transaction has also come in light in Berhampur Town and properties of huge crores have been sold in fake names and in view of the nature and gravity of the accusation, the petitioners should not be released on anticipatory bail.

Considering the submissions made by the learned counsel for the respective parties, the manner in which the crime has been committed, the pendency of other criminal cases against the petitioners and since in a case of this nature, custodial interrogation is necessary, I am not inclined to grant them anticipatory bail.

Accordingly, the ABLAPL is dismissed.

Interim order dated 09.02.2022 stands vacated.

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



RKM