

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1295 of 2022

1. Bharati Patra

2. N. Chiranjibi Rao

....

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.

Learned counsel for the petitioners submitted that the first information report has not been lodged against the two petitioners and there is no allegation in the F.I.R. against the petitioners to constitute the ingredients of the offences under which the case has been registered and therefore, the anticipatory bail application of the petitioners may be favourably considered.

Learned counsel for the State opposed the prayer for bail and contended that the petitioner no.1 Bharati Patra is the mother-in-law of the witness to the fake sale deed and she has got four criminal antecedents and so far as petitioner no.2 N. Chiranjibi Rao is concerned, he is an employee of petitioner no.1 and he was assisting petitioner no.1 in the illegal activities and he has also got four criminal antecedents in Berhampur Town police station.

Mr. Pradhan, learned counsel appearing for the informant opposed the prayer for 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.

(S.K. Sahoo)
Judge

RKM

