

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1438 of 2022

Nigam Nikunj Sethi* *Petitioner

Mr. K.K. Rath, Advocate

-versus-

State of Odisha* *Opp. Party

Mr. D.K. Mishra

Addl. Government Advocate

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

**ORDER
28.02.2022**

Order No.

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

Learned counsel for the petitioner files the service document of the petitioner with a memo, which reveals that the petitioner is serving as a Junior Clerk in the Block Education Office, Khaira in the district of Balasore, which is taken on record.

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 C.T. Case No.378 of 2021 arising out of Khaira P.S. Case No.101 of 2021 pending in the Court of learned J.M.F.C., Soro for alleged commission of offences under sections 447/380/436/294/506/34

of the Indian Penal Code.

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

Learned counsel for the petitioner submitted that the case arises out of a complaint petition and there was previous civil dispute between the parties and though the arson is alleged to have taken place on 14.12.2020 but the complainant mentioned in the complaint petition that he had never disclosed this aspect before anybody and the complaint petition filed on 09.04.2021 with an afterthought story and therefore, the anticipatory bail application of the petitioner may be favourably considered.

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, delay in filing the complaint petition and the fact that the petitioner is a Government servant, 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.

(S.K. Sahoo)
Judge



RKM