

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1473 of 2022

1. Nilam Mishra

2. Sailaza Mishra

....

Petitioners

Mr. B.B. Routray, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. D.K. Pani,

Addl. Standing Counsel

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

**ORDER
22.02.2022**

Order No.

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

Heard learned counsel for the petitioners 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 Kujang P.S. Case No.448 of 2021 corresponding to G.R. Case No.1238 of 2021 pending before the learned J.M.F.C.(P), Kujang for commission of alleged offences under sections 406, 420/34 of the Indian Penal Code.

Learned counsel for the petitioners submitted that the case arises out of a complaint petition and the main allegation is against the co-accused Kanhu

Charan Mishra, who has already been taken into custody and approached this Court for bail in BLAPL No.1095 of 2022 and since the said co-accused submitted before this Court that he is ready and willing to pay the entire amount allegedly misappropriated, he was granted interim bail for a period of six weeks and the petitioners are ladies and the offences are triable by Magistrate and therefore, the prayer for anticipatory bail 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, nature of accusation against the petitioners, the fact that the offences are triable by Magistrate and after perusing the interim order passed in respect of the co-accused and keeping in view the proviso to section 437(1) of Cr.P.C., I am inclined to release the petitioners on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioners in connection with the aforesaid case, they shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties each for the like amount to the satisfaction of the arresting officer with further conditions that they shall make themselves available for interrogation by the I.O. as and when required and they 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 any facts to the Courts or to the Investigating Officer.

Violation of any of the above conditions shall entail cancellation of bail.

The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

PKSahoo

