

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL No.1570 of 2022**

***Sri Abinash Dash* .... *Petitioner***

*Mr. P.K. Rath, Advocate*

*-versus-*

***1. State of Odisha***

***2. Chittaranjan Rout* .... *Opp. Parties***

*Mr. D.K. Pani,  
Addl. Standing Counsel*

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

**ORDER  
23.02.2022**

**Order No.**

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

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.589 of 2021 arising out of Bamapada Industrial Area P.S. Case No.0116 of 2021 pending in the Court of learned S.D.J.M., Balasore for alleged commission of offences under section 420/34 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the petitioner submitted that the case arises out of a complaint petition and the offences are triable by Magistrate and the dispute

is basically civil in nature and the complainant's case is that he is to get the outstanding dues of Rs.91,07,488/- (rupees ninty-one lakhs seven thousand four hundred eighty eight) clearly shows that he has utilized Criminal Court to settle his outstanding dues. He further submitted that in the meantime, preliminary charge sheet has been submitted under sections 420/406/109/34 of the Indian Penal Code against Udaya Kumar Alahari who is in judicial custody and the investigation has been kept open 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, the background of the case and since the offences are triable by Magistrate, 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.

