

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1622 of 2022

Daitary Mohanty

....

Petitioner

Mr. A. Tripathy, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr. Arupananda Das,
Addl. Government Advocate*

**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 G.R. Case No.304 of 2021 arising out of Jatni P.S. Case No.288 of 2021 pending in the Court of learned J.M.F.C., Jatni for alleged commission of offences under sections 420/406/384 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the petitioner submitted that the petitioner is the Managing Director of Jayaguru Construction Pvt. Ltd. and the informant

Arup Ranjan Patra is supposed to make payment for a duplex but since there was still outstanding dues, the duplex could not be handed over and the petitioner approached the Odisha Real Estate Regulatory Authority, Bhubaneswar by filing a complaint case, which was registered as Complaint Case No.107 of 2019 and the informant also filed a complaint case before the said authority against the petitioner, which was registered as Complaint Case No.137 of 2019 and both the complaint cases were heard together and by a common order dated 10.03.2021, it was disposed of and the informant was directed to pay a sum of Rs.4,56,000/- (rupees four lakhs fifty six thousand) to the petitioner at the time of delivery of possession of duplex but without making any payment for the same, this false case has been foisted and the offences are triable by Magistrate 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 the fact that 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.

संक्षेपिक न्यायो

(**S.K. Sahoo**)
Judge

RKM