

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 1625 of 2021

Sangram Kishore Behera ***Petitioner***

Mr. S. Swain, Advocate

-versus-

State of Odisha ***Opp. Party***

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel
Mr. Bhaskar Ch. Panda
(for informant)*

ABLAPL No. 1723 of 2021

Amarjeet Panda ***Petitioner***

Mr. N. Singh, Advocate

-versus-

State of Odisha ***Opp. Party***

*Ms. Susamarani Sahoo,
Addl. Standing Counsel
Mr. Bhaskar Chandra Panda
(for informant)*

ABLAPL No.1799 of 2021

***Shiva Sankar Padhi @ Shiv
Sankar Padhi*** ***Petitioner***

Mr. D. Das, Advocate

-versus-

State of Odisha ***Opp. Party***

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel
Mr. Bhaskar Chandra Panda
(for informant)*

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

**ORDER
22.02.2022**

Order No.

05. These matters are taken up through Hybrid arrangement (video conferencing/physical mode).

Since all the anticipatory bail applications arise out of one case i.e. G.R. Case No.113 of 2021 arising out of Lock P.S. Case No.28 of 2021 pending in the Court of learned J.M.F.C. (P), Kujang with the consent of the learned counsel for the respective parties, those are heard analogously and disposed of by this common order.

Heard learned counsel appearing for the petitioners and learned Additional Standing Counsel for the State as well as learned counsel for the informant in all the anticipatory bail applications.

This is an application under section 438 of Cr.P.C. in connection with Lock P.S. Case No.28 of 2021 corresponding to G.R. Case No.113 of 2021 pending in the file of learned J.M.F.C. (P), Kujang for alleged commission of offences under sections 408/409/34 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the petitioners submitted that the accusation against the petitioners is that the

petitioners have misappropriated a sum of Rs.14,86,780/- (rupees fourteen lakh eighty six thousand seven hundred eighty only) from Union Bank of India, Baramuda Branch. On 09.02.2022, learned counsel for the petitioners submitted that the petitioners have already deposited the misappropriation amount and they produced the deposit slip of the Bank with a memo.

Learned counsel for the State was asked to obtain instruction on such deposit slip.

Today, learned counsel for the State has produced the written instruction received from the Branch Manager, Union Bank of India, Nimadih, Paradeepgarh in which it is mentioned as follows:-

"We confirm that our Bank had received an amount of Rs.14,86,780/- on 15.04.2021 at our Baramuda Branch on Account No.158128090001000 by three accused persons namely, Sangram Kishore Behera, Amarjeet Panda and Shiva Shankar Padhi. Deposit slip are available at Our Baramuda Branch, Bhubaneswar".

Learned counsel for the informant does not dispute the same.

Considering the submissions made by the learned counsel for the respective parties and the fact that the offences are triable by Magistrate and the petitioners have already refunded the amount, 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) 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 conditions shall entail cancellation of bail.

Accordingly, all the three BLAPLs are disposed of.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge