

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1733 of 2022

Niranjan Bhatta

....

Petitioner

Mr. Amitav Tripathy, Advocate

-versus-

1. State of Odisha

....

Opp. Parties

***2. Prakash Chandra
Parida***

*Mr. A.K. Beura,
Addl. Standing Counsel*

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

**ORDER
03.03.2022**

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.7062 of 2021 arising out of Bharatpur P.S. Case No.441 of 2021 pending in the Court of learned S.D.J.M., Bhubaneswar for alleged commission of offences under sections 365/386/406/420/467/468/471/379/120-B of the Indian Penal Code read with sections 25 and 27 of the Arms Act.

Learned counsel for the petitioner submitted that the case arises out of a complaint petition and

the complainant took a loan of Rs.90,00,000/- (rupees ninety lakhs) from the petitioner and executed an agreement to repay the same but he made a part payment and for the rest amount, since there was dispute between the two and when the matter was reported to the police, the complainant gave an undertaking to repay the balance amount and after payment of some installments, this false case has been foisted and the petitioner has also lodged an F.I.R. before the Inspector in-charge of Khandagiri police station, which is yet to be registered. It is further submitted that in view of the background of the case and the nature of accusation against the petitioner, the anticipatory bail application of the petitioner may be favourably considered.

Learned counsel for the State opposed the prayer for anticipatory bail.

Perused the documents relied upon by the petitioner.

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 existence of monetary dispute between the parties, 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