

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1806 of 2022

Priyabrata Mohanty @ Jitu ***Petitioner***
Mr. Bichitra Narayan satapathy, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. Shashanka Patra, A.S.C.

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
11.08.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Section 420, I.P.C.
4. It is submitted by learned counsel for the Petitioner that the allegation in the F.I.R. is regarding the dispute with regard to payment of some money by the Petitioner to the Informant. He further contends that the matter has been amicably settled between the parties in the meantime and on 20.10.2021 the Informant has given in writing to the P.S. that she has received back the entire amount of Rs.1,60,000/- (one lakh sixty thousand) from the Petitioner.

5. Considering the above submission, nature of allegation, gravity of the offence and facts of the case, although I am not inclined to grant anticipatory bail to the Petitioner, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned Civil Judge-cum-J.M.F.C., Erasama in G.R. Case No.94 of 2022 corresponding to Erasama P.S. Case No.39 of 2022 within a period of three weeks from today, the Petitioner shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper in the facts and circumstances of the case, but subject to verification of the fact that the Petitioner has already repaid the amount of Rs.1,60,000/- to the Informant to her full satisfaction. It is also open for the learned trial court to impose any other suitable conditions as would be deemed just and proper.

6. The ABLAPL is disposed of accordingly.

7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge