

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1909 of 2022

Udipta Kumar Behera

....

Petitioner

Mr. Sidhartha Mishra, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. S. Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

22.09.2022

Order No.

05.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioner for anticipatory bail.
4. The petitioner is seeking pre-arrest bail in connection with C.T. Case No.758 of 2022, arising out of Nayapalli P.S. Case No.68 of 2022 pending in the court of learned S.D.J.M., Bhubaneswar for commission of offences punishable under Sections 406/420/294/506, I.P.C.
5. It is submitted by learned counsel for the petitioner that admittedly, the petitioner has received a sum of Rs.19,00,000/- (rupees nineteen lakhs) from three complainants together. He further submits that out of which, he has already paid a sum of Rs.21, 6,971/-(rupees twenty one lakhs six thousand nine hundred seventy

one) to the three complainants.

6. On instruction obtained from the concerned Investigating Officer, learned counsel for the State submits that the petitioner refunded the a sum of Rs.88,000/- to one Kiran Chandra Behera, Rs.17 lakhs and some odd to one Dipti Ranjan Pal and a sum of Rs.3,07,065/- to one Rajkishore Das.

7. However, considering the nature of allegation, gravity of offence and the fact of the case and without expressing any opinion on the merits of the case, I am not inclined to grant anticipatory bail to the petitioner. However, it is directed that in the event the petitioner surrenders and moves an application for bail before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, he shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that:-

- I. The petitioner shall cooperate with the Investigating Officer as and when required for the purpose of investigation;
- II. he shall not leave the jurisdiction of the court without prior permission of the court in seisin over the matter;
- III. he shall not threaten, harass and terrorize the informant and her /his family members in any manner whatsoever; and
- IV. he shall not default in attendance of the court during trial on each date of posting.

Violation of any of the terms and conditions shall entail

cancellation of bail.

6. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge

Jagabandhu

