

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL NO.1847 OF 2022

Ankit Roy

Petitioner

....
Mr. K.P. Mishra, Sr.Advocate

-versus-

State of Odisha

Opposite Party

....
Mr. S.K. Nayak, AGA

CORAM:

MR. JUSTICE D.DASH

ORDER

12.01.2023

Order No.

I.A. NO.2181 OF 2022

- 07.** 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. This is the second journey of this Petitioner No.1, Ankit Ray who is in custody in connection with Jagatpur P.S. Case No.220 of 2021 corresponding to G.R. Case No.1327 of 2021 pending on the file of the learned J.M.F.C., Cuttack running for the alleged commission of offence under section-468/419/420/34 of the IPC read with Section-66(C)/66(D) of the IT Act in filing this application under Section-439 of the Cr.P.C. for his release on bail in the above mentioned case.

During pendency of the above application, the Petitioner has also filed an application for grant of interim bail.

3. At the outset, learned Sr.Counsel for the Petitioner citing the period of detention of the Petitioner in custody since 29.06.2021 instead of pressing for hearing of the bail application on merit, prays for its disposal by considering the grant of interim bail to the Petitioner for period of three months. He further submits that in the meantime, the Petitioner having been granted with

interim bail has surrendered in Court in time and is now in custody and it is not stated that during then, he has abused the liberty. He submits that for such long absence of the Petitioner at home, his family members are suffering and they are deprived of the help which they are getting from this Petitioner. It is submitted that the examination of the prosecution witnesses has not yet started. In view of all these above, when there remains no scope on the part of the Petitioner to flee from justice and tamper the evidence, he urges for grant of interim bail to the Petitioner.

4. Learned Counsel for the State opposes the move. According to him, the examination of the prosecution witnesses has not taken place for the reason that the learned Counsel for this Petitioner had applied for time.

5. Considering the submissions made and on going through the averments taken in the petition; it is directed that the Petitioner be released on interim bail in the aforesaid case till 26th February, 2023 on such terms and conditions as the learned Court in seisin of the case deems just and proper with further conditions that Petitioner will appear in person before the each date during trial; will appear before the Inspector-in-Charge, Panagar Bazar P.S. every Monday in between 10 am to 2 pm while on interim bail; will appear before the Investigating officer on receiving notice so as to cooperate in the matter of further investigation which is pending for non-apprehension of other accused persons; and will positively surrender on before the Court in seisin of the case on 26th February, 2022;

The prosecution is at liberty to approach this Court for cancelation of interim bail in the event of violation of above conditions.

6. The BLAPL as well as the I.A. are accordingly, disposed of.

Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**

Narayan

