

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2579 of 2021

Sumanta Kumar Mohanty Petitioner

Mr.S.C. Pasupaka, Advocate

-versus-

State of Odisha Opp. Party

*Mr.D.K. Pani,
Addl. Standing Counsel*

Order No.

04. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard the learned counsel for the petitioner and learned counsel for the State.

This is an application under section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Kakatpur P.S. Case No. 12 of 2021 corresponding to G.R. Case No. 45 of 2021 pending in the Court of learned J.M.F.C., Nimapara for the commission of the alleged offence punishable under section 409 of the Indian Penal Code.

Perused the first information report annexed to the anticipatory bail application.

Learned counsel for the petitioner submits that the petitioner was the Ex-Executive Officer of Maa Mangala Thakurani Bije at Kakatpur in the district of Puri and the

Tahasildar, Kakatpur was dealing with the financial aspects being the interim Managing Trustee of the Institution and all the irregularities, which are alleged in the F.I.R., have been committed by the said Tahasildar, but the petitioner has been falsely implicated in the case. He further submitted that since the offence alleged is triable by Magistrate, the anticipatory bail application may be favourably considered.

Learned counsel for the State has produced the case diary and submitted that during the course of audit, prima facie materials were found that the petitioner has misappropriated a sum of Rs.23,12,000/- (rupees twenty three lakhs twelve thousand).

In view of the materials available on record, while not inclining to grant anticipatory bail to the petitioner, it is observed that in the event the petitioner surrenders and moves for bail in the Court below within a period of four weeks from today, the same shall be disposed of by the learned Courts below the matter in accordance with law expeditiously. The case records shall be made available to the Courts concerned for disposal of the bail application.

The ABLAPL stands disposed of.

The interim order dated 18.03.2021 stands vacated.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge