

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 3020 of 2022

1. Ashish Saraf
2. Debashish Saraf **Petitioners**

Mr.S.K. Nayak-2, Advocate

-versus-

State of Odisha **Opp. Party**

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

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

17.05.2022

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

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

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in connection with Bolangir Town P.S. Case No.102 of 2022 corresponding to G.R. Case No.342 of 2022 pending before the learned S.D.J.M., Bolangir for commission of alleged offence under section 420/34 of the Indian Penal Code.

Perused the F.I.R. annexed to the anticipatory bail application.

Learned counsel for the State has produced the written instruction in compliance to the order dated 26.04.2022 from which it appears that petitioner no.1 Ashish Saraf though stated in front of the informant and witnesses that there is a column on the lower part of the bill, which he has given to the customers and that column is meant for delivery date, i.e. the date on which he returns the re-made ornaments of a customer, the same is written in the delivery date column of the bill, but on verification of the bills, which were submitted by the informant and other witnesses, it was found that no delivery date had been written in the bills, which implies that petitioner no.1 has not returned the re-made ornaments to the informant and the customers. Learned counsel for the State submitted that there are clinching materials against petitioner no.1 relating to the complicity. The written instruction is taken on record.

In view of materials available on record against petitioner no.1 Ashish Saraf, while not inclining to grant anticipatory bail to him, it is observed that in the event petitioner no.1 surrenders and moves for bail, the learned Courts below shall dispose of the same in accordance with law expeditiously. The case records shall be made available to the Court concerned for disposal of the bail application.

So far as petitioner no.2 Debashish Saraf is

concerned, in absence of any clinching materials and nature of allegations against him and the fact that the offence is triable by Magistrate, I am inclined to release him on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner no.2 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 any facts to the Courts or to the Investigating Officer.

Violation of any of the above conditions shall entail cancellation of bail.

The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

PKSahoo