

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3055 of 2021

**1. Balakrushna Rout @
Batakrushna Rout
2. Golap Rout
3. Pitabas Rout
4. Bibhuti Bhusan Rout
5. Purna Chandra Rout
6. Hemanta Kumar Nayak Petitioners**

Mr. S. Das, Advocate

-versus-

State of Odisha Opp. Party

*Mr. J.P. Patra,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
16.03.2022**

संक्षिप्त न्यायो

Order No.

03. 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 Mancheswar P.S. Case No.67 of 2021 corresponding to C.T. Case No.1166 of 2021 pending in the Court of learned S.D.J.M., Bhubaneswar for alleged commission of offences under sections 420/467/468/471/294/506/34 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the petitioners submitted that the case arises out of a complaint petition, which was sent under section 156(3) Cr.P.C. to the Inspector in-charge of Mancheswar police station and accordingly, the case was registered. It is further submitted that the petitioners and the complainant belonged to one family and there was existence of civil dispute between the parties and at present, a Civil Suit is pending before the learned Civil Judge at Bhubaneswar and the accusation against the petitioners is that they gave an incorrect genealogy and mutated the land in their names. He further submitted that the offences are triable by Magistrate and therefore, the anticipatory bail application of the petitioners may be favourably considered.

Learned counsel for the State opposed the prayer for anticipatory bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioners and the background of civil dispute, the interim order dated 24.03.2021 is made absolute.

The ABLAPL is accordingly disposed of.

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

(S.K. Sahoo)
Judge