

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3096 of 2022

Ratikanta Debata

.... ***Petitioner***
Mr. M.K. Panda, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. S. Patra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
25.08.2022

Order No.

- 04.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioner and learned 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 G.R. Case No.307 of 2022, arising out of Angul P.S. Case No.126 of 2022 pending in the court of learned S.D.J.M., Angul for commission of offence punishable under Sections 420/406/34, I.P.C.
 5. It is submitted by learned counsel for the petitioner that the informant had paid money for buying Gymnasium equipments. However due to some difficulties, the same could not be supplied by the petitioner. Further, it is submitted by learned counsel for the petitioner that the petitioner does not have any intention to cheat the informant. It is also submitted by learned counsel for the petitioner

that due to misunderstanding of the informant, present case has been foisted against the petitioner and the petitioner is ready and willing to return the money.

6. Considering the nature of allegation, gravity of offence and the fact 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 move 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 subject to condition that initially, the petitioner refund an amount of Rs.2,00,000/-(rupees two lakhs) and rest of the amount shall be provided in three equal installments within a period of three months failing which this order shall automatically revoked.

7. It is open for the court in seisin over the matter to impose other conditions as may be deemed just and proper.

8. It is open for the learned court below, if the petitioner fails to deposit the same, then the learned court below shall proceed against the petitioner in accordance with law.

9. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge