

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3331 of 2022

Mahesh Kumar Garg* *Petitioner

Mr. Biswajit Nayak, Advocate

-versus-

State of Odisha & another* *Opp. Parties

Mrs. Susamarani Sahoo

Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

10.05.2022

Order No.

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

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

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Raghunathpali P.S. Case No.13 of 2022 corresponding to G.R. Case No.77 of 2022 pending in the Court of learned S.D.J.M., Panposh for alleged commission of offence under section 420 of the Indian Penal Code.

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

Learned counsel for the petitioner submitted that the dispute between the parties is basically civil in nature and in fact that the petitioner has filed a civil

suit bearing C.S. No. 73 of 2021 in the Court of learned Civil Judge (Senior Division), Rourkela against the informant, which is subjudiced and after getting the notice in the said civil suit, he has filed this false case. It is further submitted that the offences are triable by Magistrate and therefore, the anticipatory bail application of the petitioner may be favourably considered.

Learned counsel for the State opposed the prayer for anticipatory bail and submitted that there is documentary evidence regarding transfer of money to the account of the petitioner.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, pendency of civil dispute between the parties and the fact that the offence is triable by Magistrate, I am inclined to release the petitioner on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner 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 such facts to the Court 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

