

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3346 of 2021

Biranchi Kharsel

....

Petitioner

Mr. U.C. Mishra, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. A. Das,

Addl. Government Advocate

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

ORDER

06.04.2022

Order No.

05. 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 G.R. Case No.769 of 2020 arising out of Athamallik P.S. Case No.150 of 2020 pending in the Court of learned S.D.J.M., Athamallik for alleged commission of offences under sections 420/418/422/424/427/403/408/500/34 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the State submitted that the petitioner has collected a sum of Rs.2,26,540/- (two lakhs twenty six thousand five hundred & forty) only from seventy customers out of which he has deposited a sum of

Rs.48,700/- (forty eight thousand seven hundred) in the Athamallik Branch Arohan Financial Services Ltd and he is yet to deposit Rs.1,77,840/- (rupees one lakh seventy seven thousand eight hundred fourty) only.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner and since the offences are 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 subject to condition that the petitioner shall deposit a sum of Rs.1,77,840/- (rupees one lakh seventy seven thousand eight hundred fourty) in the Court of learned S.D.J.M., Athamallik in the aforesaid case within a period of three weeks from today. In case, the petitioner fails to deposit the said amount within the time stipulated, this order shall remain inoperative and the I.O. shall be free to arrest the petitioner. If the amount is deposited, the same shall be kept in short-term fixed deposit scheme in any Nationalized Bank which shall be renewed from time

to time till conclusion of the trial and its disbursement shall be subject to the result of the case

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

The ABLAPL is accordingly disposed of.

A copy of the order be communicated to the learned S.D.J.M., Athamallik who will impart necessary instruction to the I.O. to carry out the order if the deposit is not made within time stipulated.

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



P