

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3687 of 2020

Raj Kumar Agarwal

.... ***Petitioner***
Mr.S. Lal, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Miss.S.Mishra, ASC
Mr.S.S.Ray-2 Advocate for the Informant

**CORAM:
MR. JUSTICE D.DASH**

**ORDER
25.07.2022**

Order No.

- 08.
1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
 2. The Petitioner having been implicated in Jenapur P.S. Case No.36 of 2020 corresponding to C.T. Case No.205 of 2020 registered for alleged commission of offence under section 420 of the I.P.C. pending on the file of learned J.M.F.C., Chandikhole, has filed this application for grant of anticipatory bail.
 3. Heard learned counsel for the Petitioner, learned counsel for the State and the learned counsel for the Informant.
 4. Keeping in view the submissions made, the records being perused; it is found that in the discussion between the Informant and the Petitioner, who happens to be the Managing Partner of a Company, the Petitioner impressed upon the

Informant to establish the Industry as he desired over the piece of land belonging to the Company. It is further alleged that the Informant, believing the Petitioner in good faith, has paid huge sum as advance and then finally on payment of the agreed premium, the lease agreement came into being and then the Informant invested further amount for developing the land as suitable for the purpose. The total investment is stated to be more than Rs.5,00,00,000/- (Rupees Five Crores). The record of right relating to the land has been found to be forged one and it is said that the Company of which the Petitioner as the Managing Director had no such record of right for the land in question. The Informant having invested his total savings and by taking loan from friends and relatives, is not in a position to run the plant.

In view of all the aforesaid, this Court finds that here in the case, custodial interrogation of the Petitioner is absolutely necessary to unearth the truth by examination of all the relevant documents as also other aspects and appearance of the Petitioner before the Investigating Officer under the protection in terms of the earlier order dated 20.04.2020 would not be its substitute for a fair investigation.

In that view of the matter, I am not inclined to grant anticipatory bail to the Petitioner, as prayed for.

The ABLAPL is accordingly dismissed.

The interim order dated 20.04.2020 stands vacated.

(D. Dash),
Judge.