

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3710 of 2022

Sudhakar Bhol

.... ***Petitioner***
Mr. A. Mishra, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. P.C. Das, A.S.C.
Mr. C. Bidyabhusan, Advocate for the
Informant

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

16.08.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioner and learned Additional Standing 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.505 of 2022, arising out of Singhadwara P.S. Case No.13 of 2022 pending in the court of learned S.D.J.M., Puri for commission of offence punishable under Sections 341/294/506/468/471/420/34, I.P.C.
 5. It is submitted by learned counsel for the petitioner that the dispute involved in the F.I.R. is of a civil nature. He further submits that the issue involved in the dispute is with regard to ownership of a piece of land in question, which is subject matter of the litigation is various forums. It is further submitted that the petitioner has been

falsely implicated in this case by the informant to pressurize the petitioner. Further, it is submitted by learned counsel for the petitioner that the petitioner belongs to the locality and that the allegations in the F.I.R. are based on documentary evidence. He, therefore, submits that in the event petitioner is released on anticipatory bail he will cooperate with the Investigating Officer and shall appear before him as and when required for the purpose of investigation.

6. Learned counsel for the informant, on the other hand, submits that the petitioner has manipulated the records and tried to create right in his favour by adopting illegal means. However, he submits that the disputed land has vested in the state pursuant to the notification under the Orissa Estate Abolition Act. Learned counsel for the informant further submits that the petitioner has been misleading the Court and other forums.

7. Having heard learned counsel for the respective parties, this Court is of the considered view that the dispute involved in the present case with regard to the alleged title over the property in question which was adjudicated by the competent form under the statute. Further considering the facts that the nature of allegations made in the F.I.R. are based on documentary evidence therefore there is no chance of tampering with evidence.

8. Considering the nature of allegation, gravity of offence and the facts 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 moves 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 with further condition that the petitioner shall not harass, torture, threaten or terrorize the informant and his/her family members in any manner whatsoever while on bail and shall cooperate with the Investigating Officer as and when required for the purpose of investigation.

Violation of any of the terms and conditions shall entail cancellation of bail.

6. With the aforesaid observation/direction, the ABLAPL is disposed of.

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

Jagabandhu

