

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3877of 2022

S. Bhaskaran

.... ***Petitioner***
Mr. G.P. Dutta, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. S.K. Nayak, AGA
Mr. R.C. Jena, Advocate (Informant)

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

**ORDER
18.05.2022**

Order No.

01. 1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. The Petitioner having been implicated in connection with Ainthapali P.S. Case No.165 of 2022 corresponding to Special G.R. Case No.8 of 2022 registered for alleged commission of offence under Sections-294/506, I.P.C. read with section 3(1)(r)/3(1)(s)/3(2)(va) of the S.C./S.T. (P.A.) Act, 1989, pending on the file of learned Special Judge-cum-Sessions Judge, Sambalpur has filed this application under section-438 of the Cr.P.C. for grant of anticipatory bail in the above mentioned case.
3. Learned counsel for the Petitioner submits that the Informant is an Officer working in the same organization where

the Petitioner serves and he has lodged this F.I.R. concerning the allegations as to corruption in course of discharge of duty with the Petitioner in the said organization. He further submits that the reason for filing this F.I.R. is obvious that in order to take revenge of the strained relationship, the Informant has made this move by directly lodging the F.I.R. in the police station as well as with the Superintendent of Police simply indicating that the copy of the same has been sent to the Superior Officer.

Without expressing any opinion over the truthfulness of the allegations/ such action on the part of the Informant, he submits as to how said act on the part of the Informant amount to misconduct and unbecoming of an employee. He submits that the offence under the provision of S.C./S.T. (PA) Act has been inserted simply because of the fact that the Informant is a member of Scheduled Tribe when the allegations have no nexus at all with any of such offences prescribed under the said Act and as such no prima facie case for said offence under the Act is made out.

4. Learned counsel for the Informant opposes the move. He submits that as no action was taken after the Informant brought the illegalities committed by the Petitioner in course of discharge of his duty to the notice of the Superior Officer, he has no other option but to lodge the F.I.R. in order to see that the Petitioner is punished for his misdeeds as per law.

5. Learned counsel for the State refrains from expressing any opinion with regard to the submission of the learned counsel for the Petitioner as regards the indiscipline on the part of the

Informant. He, however, submits that since the Informant has alleged that the Petitioner had scolded him uttering his caste, at this stage, it would not be permissible to say that no prima facie case under section 3(1)(r)/3(1)(s)/3(2)(va) of the S.C./S.T. (P.A.) Act is made out.

6. Considering the submissions made and further viewing the nature of accusations as those emanate from the materials as placed; it is directed that in the event of arrest of the Petitioner in connection with the aforesaid case, he shall be released on bail by the Arresting Officer on such terms and conditions as the Arresting Officer may deem just and proper with further conditions that he will cooperate with the investigation as and when required for the purpose and will not tamper the evidence.

4. The ABLAPL is accordingly disposed of.

5. Issue urgent certified copy as per rules.

(D.Dash)
Judge

H