

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMA No. 71 of 2022

Amit Kumar Upadhaya **Petitioner**

Mr.T.K.J. Samanta, Advocate

-versus-

1. State of Orissa

**2. Rahul Kumar Das @
Sonu**

3. Rakesh Kumar Khuntia

4. Sritam Pradhan **Opp. Parties**

Mr.A. Das
Addl. Govt. Advocate.

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

**ORDER
22.07.2022**

Order No.

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

This is an application under section 439(2) of the Code of Criminal Procedure for cancellation of bail of the opposite parties Nos.2 to 4.

Learned counsel for the petitioner submitted that opposite parties nos. 2, 3 and 4 were granted anticipatory bail as per order dated 05.01.2022 passed in ABLAPL No.15753 of 2021 and they have misutilized their liberty and threatened the petitioner, who is the informant in the case and other witnesses for which at the instance of the petitioner, Puri Town

P.S. Case No.31 of 2022 has been registered under sections 294/506 read with section 34 of the Indian Penal Code against the opposite parties nos. 2, 3 and 4.

As per order dated 08.07.2022, learned counsel for the State was asked to obtain instruction about the status of Puri Town P.S. Case No.31 of 2022.

Learned counsel for the State has produced the written instruction dated 21.07.2022 received from the Inspector in-charge of Town police station, Puri which indicates that after completion of investigation, the Investigating Officer has submitted final Report in Town P.S. Case No.31 of 2022 vide F.F. No.125 dated 20.07.2022 as F.I.R. False under sections 294/506 read with section 34 of the Indian Penal Code. The instruction is taken on record.

In view of such instruction, since there is no material before this Court that opposite parties nos. 2, 3 and 4 have misutilised their liberty and threatened the petitioner who is the informant in the case and other witnesses, I am not inclined to entertain this application.

Accordingly the CRLMA application stands dismissed.

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

(S.K. Sahoo)
Judge

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