

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.4585 of 2022

Rama Saran Panda

....

Petitioner

Mr. M.K. Mallick, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. S. Patra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

05.09.2022

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 C.T. Case No.2332 of 2022, arising out of Khandagiri P.S. Case No.193 of 2022 pending in the court of learned S.D.J.M., Bhubaneswar for commission of offence punishable under Sections 420/419/294/506/468/471/34, I.P.C.

5. It is submitted learned counsel for the petitioner that the informant had paid a sum of rupees one crore to the petitioner to purchase the flats. However, the flats could not be construction within the stipulated period of time as a result of which the informant demanded back for his money. It is further submitted by learned counsel for the petitioner that the petitioner vested the money for construction of the flats and the informant wants to return his money

instantly. It is also submitted by learned counsel for the petitioner that the petitioner had no intention to dishonest and he seeks some time to return the same.

6. Further, learned counsel for the petitioner submits that the matter has been amicably settled between the parties as a result of which the petitioner agreed to return a sum of Rs.10,00,000/-(rupees ten lakhs) in every month till the flats are sold and the petitioner will return the entire money of the informant.

7. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioner. However, it is directed that in the event the petitioner surrender 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.

8. It is further directed that the bail granted to the petitioner is subject to the condition that the petitioner shall go on paying Rs.10,00,000/-(rupees ten lakhs) every month to the informant till the realization of the entire money. Further, it is made clear that if the flats sold, the entire money of the informant shall be paid within a period of thirty days, failing which this bail order shall automatically stand revoked.

9. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge