

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6097 of 2022

Samarendra Bhutia* *Petitioner

Mr. S.K.Joshi, Advocate

-versus-

State of Odisha* *Opp. Party

*Mrs.Susamarani Sahoo,
Addl. Standing Counsel*

CORAM:

JUSTICE S.K. SAHOO

ORDER

22.06.2022

Order No.

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

Heard the learned counsel for the petitioner and learned counsel for the State.

This is an application under section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in connection with CID, CB Cuttack P.S. Case No.09 of 2021 corresponding to G.R. Case No.330 of 2021 pending in the Court of learned J.M.F.C., Pipili for commission of the alleged offences punishable under sections 120-B/420/467/468/471/175/34 of the Indian Penal Code.

Perused the first information report annexed to the anticipatory bail application.

It appears that the petitioner earlier approached this Court for anticipatory bail in ABLAPL No.12176 of 2021 and as per order dated 21.04.2022, on the submission made by the learned counsel for the State that interrogation of the petitioner is very much necessary to unearth many vital aspects of the case and the submission made by the learned counsel for the petitioner that the petitioner is ready and willing to appear before the Investigating Officer and cooperate with the investigation, this Court while granting interim protection to the petitioner, directed him to appear before the Investigating Officer on 25.04.2022 and cooperate with the investigation and to further appear before the Investigating Officer as and when required and a notice to that effect should be given to the petitioner in advance and the matter was directed to be listed on 04.05.2022.

The matter was listed on 04.05.2022. On that day, learned counsel for the State produced the written instruction dated 04.05.2022 from the Deputy Superintendent of Police, C.I.D., C.B., Cuttack which indicated that the petitioner did not comply with the order of this Court dated 21.04.2022.

In view of the fact that the petitioner flouted the terms and conditions of the order of this Court dated 21.04.2022, this Court was not inclined to grant anticipatory bail to the petitioner and accordingly, the

anticipatory bail application was rejected and the interim order dated 21.04.2022 stood vacated.

Learned counsel for the petitioner submitted that due to communication gap, the order of this Court could not be carried out by the petitioner and another opportunity may be given to the petitioner to comply with the order and the petitioner may be granted anticipatory bail.

In view of the previous conduct of the petitioner in not complying with the order of this Court in spite of grant of interim protection, I am not inclined to grant any relief to the petitioner.

Accordingly, the ABLAPL stands dismissed.

However, the petitioner is at liberty to surrender and move for bail in the Court below within a period of four weeks from today, the same shall be disposed of by the learned Courts below in accordance with law expeditiously. The case records shall be made available to the Court concerned.

The ABLAPL stands disposed of.

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

(S.K. Sahoo)
Judge