

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6458 of 2022

Prasanta Kumar Mohapatra

Petitioners

....

Mr.B.K.Ragada, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.S.Mishra, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

22.09.2022

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner, learned Addl. Standing Counsel for. Perused the records.
4. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 506, 294, 323, 406, 419, 420, 120-B of the Indian Penal Code.
5. It is submitted by the learned counsel for the Petitioner that by misrepresenting facts and misutilising the property documents of the present Petitioner, loan was sanctioned by the Punjab National Bank in favour of 3rd party, as a result of which the Petitioner had initially lodged an F.I.R. against some of the accused including some bank employees and one Lingaraj Enterprises who is the beneficiary of loan account. After lodging of F.I.R. of by the Petitioner, the accused persons have been arrested and released on bail. One of the

partner of Lingaraj Enterprises has lodged F.I.R. making allegation against the present Petitioner.

6. On perusal of the records, it appears that the F.I.R. was registered by the E.O.W. on 08.12.2012. So far as the present F.I.R. is concerned, the same has been registered as Capital P.S.Case No.71 of 2022 on 02.02.2022.

7. Learned Additional Standing Counsel on the other hand submits that the investigation in the present case is going on.

8. Considering the seriousness of the allegation, gravity of the offence and the facts of the case, although I am not inclined to grant anticipatory bail to the Petitioner, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned S.D.J.M., Bhubaneswar in C.T.No.732 of 2022 arising out of Capital P.S.Case No.71 of 2022 within a period of three weeks from today, he shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper in the facts and circumstances of the case.

While imposing conditions for bail, learned Magistrate shall also impose the following additional conditions –

- (i) The Petitioner shall cooperate with the investigation and appear before the I.O. and produce all relevant papers required at the time of investigation;
- (ii) He shall not tamper with the prosecution evidence and shall not make any attempt to threaten, influence or terrorise the prosecution witnesses

- (iii) He shall appear before the trial court on each and every date fixed.

Violation of any of the conditions shall entail cancellation of bail of the Petitioner.

7. The ABLAPL is disposed of accordingly.
8. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge

RKS

