

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6584 of 2022

Annapurna Rout

....

Petitioner

Mr.P.R. Chhatoi, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr.Rajesh Tripathy,
Addl. Standing Counsel*

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

ORDER

13.07.2022

Order No.

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

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

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with G.R. Case No.384 of 2014 arising out of Rajkanika P.S. Case No.165 of 2014 pending in the Court of learned J.M.F.C., Aul for alleged commission of offence under section 409 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the State has produced the report of the Block Development Officer, Rajkanika from which it appears that after enquiry, it was found that the petitioner, who was the Sarpanch of Jayanagar Gram Panchayat and one Sanjaya Kumar Nayak, the then

Executive Engineer have misappropriated the Government money to the tune of Rs.31,59,674/- (rupees thirty one lakhs fifty nine thousand six hundred seventy four) and there was tampering and forging of Government records for individual gain.

Learned counsel for the petitioner though submitted that one of the co-accused has been released on bail but Mr. Tripathy, learned counsel for the State submitted that the said co-accused, namely, Paramananda Nayak stands in a different footing.

Considering the submissions made by the learned counsel for the respective parties, the amount of money misappropriated in the case and the nature of accusation against the petitioner, while not inclining to grant anticipatory bail to the petitioner, it is observed that in the event the petitioner surrenders in the Court below within a period of four weeks from today and moves for bail, the same shall be disposed of as expeditiously as possible by the Courts below in accordance with law and proviso to section 437(1) Cr.P.C. shall be taken into account at the time of adjudication of the bail application. The case records shall be made available to the Court concerned.

The ABLAPL is accordingly disposed of.

The interim order dated 06.07.2022 stands vacated.

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

(S.K. Sahoo)
Judge