

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6832 of 2022

Rabindra Biswal and another

....

Petitioners

Mr. P.K. Das, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

02.09.2022

Order No.

03.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.

3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.

4. The petitioners are seeking pre-arrest bail in connection with G.R. Case No.1085 of 2022, arising out of Both P.S. Case No.68 of 2022 pending in the court of learned S.D.J.M., Bhadrak for commission of offence punishable under Sections 420/406/294/506/427/34, I.P.C.

5. It is submitted by learned counsel for the petitioners that there was an oral agreement between the petitioner and the informant for sale of land along with pucca house constructed over the said land for Rs.21,00,000/-(rupees twenty-one lakhs). Learned counsel for the petitioner further submits that the petitioner admits the same and he has paid a sum of Rs.14,00,000/-(rupees fourteen lakhs) to the

informant towards purchase of the aforesaid house.

6. Further, learned counsel for the petitioner submits that since the petitioner did not pay the balance amount of Rs.7,00,000/-(rupees seven lakhs) and the sale deed could not be executed in favour of the petitioner. He further submits that the money received, the petitioner arranged his daughter's marriage. Further, it is submitted by learned counsel for the petitioner that the petitioner is ready and willing to pay the balance amount and some time is required to arrange the same.

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 surrenders and moves an application for bail 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. Further, it is directed that the petitioner shall give an undertaking before the learned court below that while releasing on bail, he will ensure that the entire amount will be paid within a period of six months failing which this order shall stand automatically revoked and one month thereafter, sale deed be executed.

9. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge

