

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7107 of 2022

Bikramananda Mohanty ***Petitioner***
Mr. Manas Mohapatra, Sr. Advocate
-versus-
State of Odisha ***Opp. Party***
Mr. S. Patra, A.S.C.
Mr. P.K. Das, Advocate for the
Informant

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
23.09.2022

Order No.

04. 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.509 of 2022, arising out of Sahadevkhunta P.S. Case No.165 of 2022 pending in the court of learned S.D.J.M., Balasore for commission of offences punishable under Sections 465/468/471/747/420/34, I.P.C.
5. It is submitted by learned counsel for the petitioner that there is serious litigation between the husband and wife. The informant is the wife of the petitioner. After receiving the divorce proceeding, the present case has been filed against the petitioner.
6. It is submitted by learned counsel for the informant that using

license of the informant, the petitioner had executed some contract works. As such, there is GST liability of Rs.3,58,358/-(rupees three lakhs fifty-eight thousand three hundred fifty eight) and the same has not been paid by the petitioner.

7. Considering the facts and circumstances of the case, 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 with further conditions that :-

- I. The petitioner shall cooperate with the Investigating Officer as and when required for the purpose of investigation;
- II. he shall not default in attendance of the court during trial on each date of posting; and
- III. he shall not threaten, harass and terrorize the informant and her /his family members in any manner whatsoever.

Violation of any of the terms and conditions shall entail cancellation of bail.

8. It is further directed that the bail granted to the petitioner is subject to depositing cash of Rs.2,00,000/-(rupees two lakhs) before the learned court below, which shall be deposited in any Nationalized Bank in interest earning deposit initially for a period of one year renewable from time to time till conclusion of the trial and the same shall be abide by the final outcome of the trial of the case,

rest of the amount shall be deposited within a period of two months from the date of release on bail failing which this order shall automatically be revoked.

9. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge

Jagabandhu

