

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7549 of 2022

Ashok Kumar Sethi

Petitioner
Mr. S.K. Padhy, Advocate

-versus-

State of Odisha

Opp. Party
Mr. S. Patra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

23.09.2022

Order No.

- 03.
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 G.R. Case No.440 of 2022, arising out of Pahala P.S. Case No.58 of 2022 pending in the court of learned J.M.F.C.(O), Bhubaneswar for commission of offences punishable under Sections 452/294/323/506/354/34, I.P.C.
 5. It is submitted by learned counsel for the petitioner submits that there was an agreement between the parties and pursuant to which the petitioner constructed a house and the same was handed over to the informant. It is further submitted by learned counsel for the petitioner that due to delay in paying the money, there was an agreement between the parties for executing the project. However, he further submits that the project work is substantially progressed and on the self-same dispute, a civil suit vide C.S. No.549 of 2022 is

pending for adjudication before the learned Civil Judge(Sr. Division), Bhubaneswar. It is also submitted by learned counsel for the petitioner that this Court issued notice to the informant. On instruction, the notice was received on 09.09.2022 but, none appears on behalf of the informant as of now.

6. 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 with further conditions that:-

- I. The petitioner shall cooperate with the Investigating Officer as and when required for the purpose of investigation; and
- II. both the parties shall abide the order passed by the competent forum; and
- III. he shall not default in attendance of the court during trial on each date of posting.

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

7. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge