

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8168 of 2022

Maghaban Bag

.... ***Petitioner***
Mr.D.P.Dhal, Sr. *Advocate*

-versus-

State of Odisha

.... ***Opp.Party***
Mr.S.Mishra, A.S.C..

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
25.08.2022

Order No.

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
 2. Heard learned counsel for the Petitioner and the learned Additional Standing Counsel. Perused the records.
 3. This is an application under Section 438 Cr.P.C. filed by the Petitioner for anticipatory bail.
 4. It is submitted by the learned counsel for the Petitioner that the Petitioner while working as Tahsildar has passed some orders under which lands have been mutated in favour of certain persons. Thereafter certain irregularities were found in the order passed by the Petitioner, which carried in appeal before the appellate authority i.e., the Sub-Collector, Bolangir. An additional affidavit filed by the learned counsel for the Petitioner contains certain documents, which reveal that the appellate authority has already cancelled the mutation order passed by the Petitioner and further it is seen that the lands in question have been recorded in the name of the original recorded

owner.

5. Considering the submissions and further keeping in view the fact that the Petitioner is a Government servant, gravity of the offence and the facts 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 before the learned S.D.J.M, Bolangir in G.R.Case no.884 of 2022 arising out of Bolangir Sadar P.S.Case No.249 of 2022 within a period of three weeks from today and moves for bail, he shall be released on bail on such terms and conditions as would be deemed just and proper by the learned Magistrate with further conditions that the Petitioner while on bail shall appear before the trial court on each and every date fixed, they shall not tamper with the evidence and shall not make any attempt to threaten, influence, terrorise the prosecution witnesses in any manner whatsoever. Violation of condition shall entail cancellation of bail.

6. Accordingly, the ABLAPL is disposed of.

7. Issue urgent certified copy of this order in course of the day.

RKS

(*A.K. Mohapatra*)
Judge