

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8343 of 2022

Dibyaswarup Sahoo

..... Petitioner
Mr. S. Mohanty, Advocate

-versus-

State of Odisha

..... Opp. Party
Mr. M.K. Mohanty, A.S.C.
Mr. G. Mohanty, Advocate for the
Informant

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

27.07.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
- Informant enters appearance through Mr. Gyanaloka Mohanty, Advocate files Vakalatnama in Court today. The same is accepted and be kept on record.
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 I.C.C. Case No.98 of 2022, arising out of Jagatsinghpur P.S. Case No.398 of 2022 pending in the court of learned S.D.J.M., Jagatsinghpur for commission of offence punishable under Sections 420/323/294/506, I.P.C. read with Section 25 of the Arms Act.
5. It is submitted learned counsel for the petitioner that the present case has been initiated against the petitioner for non-payment

a sum of Rs.10,00,000/-(rupees ten lakhs) to the informant. It is further submitted that the petitioner and the informant were took contract work in joint venture. It is also submitted that the petitioner has not received final bill from the office of the Executive Engineer (R&B), Jagatsinghpur and he has not paid the money payable to the informant. However, he does not dispute the fact the petitioner has to pay the money to the informant.

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 surrender 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 condition that petitioner shall give an undertaking before the learned court below that he shall pay the balance amount to the informant as and when final bill received from the Office of the Executive Engineer (R&B), Jagatsinghpur.

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

7. It is open for the court in seisin over the matter to impose other conditions as may be deemed just and proper.

8. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge