

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9763 of 2022

Suryakanta Routray and another ***Petitioners***
Mr. P.R. Singh, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

16.08.2022

Order No.

01. 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.1147 of 2022, arising out of Biridi P.S. Case No.159 of 2022 pending in the court of learned S.D.J.M., Jagatsinghpur for commission of offence punishable under Sections 323/294/419/420/506/34, I.P.C.
5. It is submitted by learned counsel for the petitioners that the petitioners entered into an agreement with the informant to sell a piece of land. However, for the reasons, sale deed could not be executed. It is further submitted by learned counsel for the petitioners that the case arises out of a civil dispute in nature. It is also submitted that the dispute has been amicably settled between the

parties and the petitioners are agreed to return the money which they have taken from 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 petitioners. However, it is directed that in the event the petitioners surrender and move 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, they shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that the petitioners shall return the money, which they have taken from the informant as stated by learned counsel for the petitioners within a period of three months in three equal installments.

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

7. It is open for the learned court below, if the petitioners fails to pay the installments, then the learned court below shall proceed against the petitioners in accordance with law.

8. Accordingly, the ABLAPL is disposed of.

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

(**A.K. Mohapatra**)
Judge