

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9971 of 2022

Akshya Das

....

Petitioner

Mr. A.K. Sahoo, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. S.K. Patra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

22.08.2022

Order No.

- 01.
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.350 of 2022, arising out of Malkangiri P.S. Case No.302 of 2022 pending in the court of learned S.D.J.M., Malkangiri for commission of offence punishable under Section 420, I.P.C. read with Section 66-D of the I.T. Act.
 5. It is submitted by learned counsel for the petitioner that the petitioner has been fraudulently taken away a sum of Rs.61,000/- (rupees sixty-one thousand) from the informant. Further, it is submitted by learned counsel for the petitioner that the petitioner is ready willing to return the money to the informant.
 6. Considering the nature of allegation of offence and the fact of

the case, it is directed that initially, at first the petitioner shall return a sum of Rs.30,000/-(rupees thirty thousand) to the informant within a period of seven days from the date of his release and the balance amount shall be paid to the informant within a period of four weeks from the date of his release.

7. In such view of the matter, the petitioner is directed to move an application for bail before the learned court in seisin over the matter in the aforesaid case and the same shall be allowed subject to conditions that the petitioner shall repay a sum of Rs.30,000/-(rupees thirty thousand) initially within seven days from the date of his release to the informant and the balance amount shall be paid to the said informant within four weeks without prejudice. Further, it is directed that the petitioner shall give an undertaking before the learned court below that he shall pay a sum of Rs.30,000/-(rupees thirty thousand) initially within seven days from the date of his release and rest of the amount shall be paid to the informant within a period of four weeks, failing which this order shall automatically stand revoked.

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

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

9. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge