

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL No.10072 of 2022**

***Arunjyoti Patnaik***

....

***Petitioner***

*Mr. Suryakanta Dash, Advocate*

**-versus-**

***State of Odisha***

....

***Opposite Party***

*Mr. M.K. Mohanty, A.S.C.*

**CORAM:**

**JUSTICE A.K.MOHAPATRA**

**ORDER**

**25.08.2022**

**Order No.**

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 420, I.P.C.
4. On perusal of the F.I.R. it is seen that the complainant has alleged that he has paid a sum of Rs.15,00,000/- (fifteen lakhs) to the petitioner for sale of a plot to be delivered possession within three months. Although a sum of Rs.15,00,000/- was paid on 08.06.2019 at the office of the Petitioner, but no plot was provided to the complainant as was promised by the Petitioner. Therefore the present F.I.R. has been lodged.

5. Learned counsel for the Petitioner submits that the Petitioner is ready and willing to return the money to the Informant. In support of his contention, he has filed copy of the Bank Statement, which reveals that the Petitioner has repaid a total sum of Rs.6.5 lakhs as on date. Further, the learned counsel for the Petitioner submits that, some more time may be granted to the Petitioner who is ready and willing to repay the balance amount along with interest to the Informant.

6. Considering the nature of allegation, gravity of the offence and facts of the case, although I am not inclined to grant anticipatory bail to the Petitioner, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned S.D.J.M., Bhubaneswar in C.T. Case No.4716 of 2022 corresponding to Khandagiri P.S. Case No.406 of 2022 within a period of three weeks from today, he shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper in the facts and circumstances of the case, but subject to the condition that Petitioner shall repay the balance amount of Rs.8,50,000/- (Rupees eight lakhs fifty thousand) along with interest within a period of six months from today on installment basis, failing which this bail order shall stand revoked automatically and it will be open to the learned court in seisin over the matter to proceed against the Petitioner in accordance with law.

7. The ABLAPL is disposed of accordingly.

8. Urgent certified copy of this order be granted as per rules.

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