

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10223 of 2022

***Soumya Ranjan Mohapatra &
another***

.... Petitioners

Mr. Bigyan Kumar Sharma, Advocate

-versus-

State of Odisha

.... Opposite Party

Mr. P.C. Das, A.S.C.

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
22.09.2022**

Order No.

02. 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 364/342/323/325/386/506/34/379, I.P.C.
4. It is submitted by learned counsel for the Petitioners that the Informant has consistently said that he was kidnapped in a Scorpio vehicle and he has mentioned the number of the said vehicle in the F.I.R. as well as in his 161, Cr.P.C. statement. However, on verification, it is found that the number of the vehicle he had given is the number of a Scooty. Learned counsel for the Petitioners further submits that there was some kind of agreement between the Informant and the mother of the Petitioners. Pursuant to the said

agreement, the mother of the Petitioners had pledged some gold ornaments and on the basis of such pledge, some bank loan has been availed. Thereafter, some dispute arose between the parties with regard to some financial transaction and that parties were well known to each other and they were having some kind of financial relationship previously. Due to such misunderstanding, the present case has been foisted implicating the present Petitioner. Learned counsel for the Petitioners further submits that the Petitioners are young boys and they should be released on bail on any terms and conditions.

5. Learned counsel for the State on the other hand objects to the bail of the Petitioners submitting that there are ample materials on record to establish the allegations made in the F.I.R. against the present Petitioners. He further submits that the victim was allowed to go by the Petitioner on the next day.

6. Considering the aforesaid submissions, seriousness of the allegation, gravity of the offence and the facts of the case, although I am not inclined to grant anticipatory bail to the Petitioners, however it is observed that, in the event the Petitioners surrender and moves for bail before the learned S.D.J.M., Berhampur in G.R. Case No.1632 of 2022 corresponding to Badabazar P.S. Case No.176 of 2022 within a period of three weeks from today, they 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.

While imposing conditions for bail, learned Magistrate shall also impose the following additional conditions –

- (i) The Petitioners shall appear before the I.O. and shall cooperate with the investigation as and when required by the I.O.;
- (ii) They shall not indulge in any other offence of similar nature in any manner while on bail by virtue of this order;
- (iii) They shall not tamper with the prosecution evidence and shall not threaten, terrorise, ill-treat or harass the Informant and his family members including the prosecution witnesses in any manner whatsoever.
- (iv) They shall appear before the trial court on each date fixed for trial, without fail.

Violation of any of the conditions shall entail cancellation of bail of the Petitioners.

- 7. The ABLAPL is disposed of accordingly.
- 8. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge

S.K.Parida