

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10251 of 2022

Swayam Prakash Dash

.... ***Petitioner***
Mr. A.K. Nath, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. S. Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

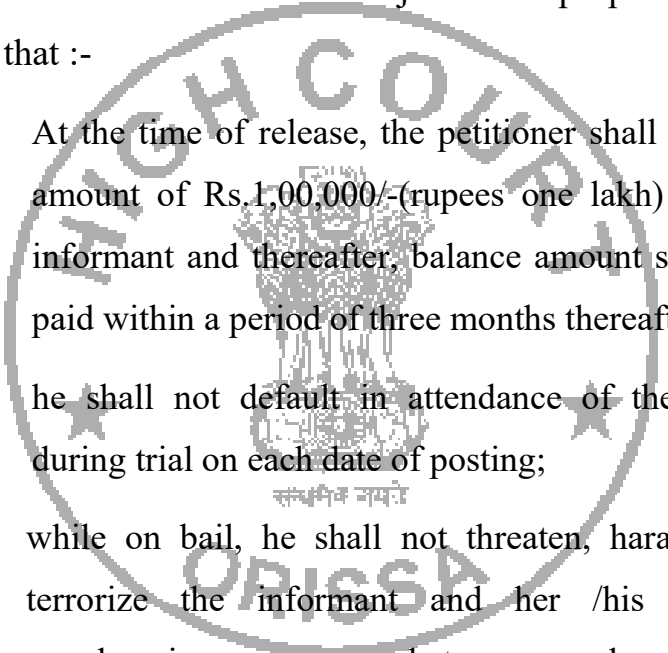
30.08.2022

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.1206 of 2022, arising out of Angul P.S. Case No.441 of 2022 pending in the court of learned S.D.J.M., Angul for commission of offence punishable under Sections 294/420, I.P.C.
5. It is submitted by learned counsel for the petitioner that the petitioner entered with an agreement with the informant. Due to some transaction, the same are not materialized. Thereafter, the petitioner insisted for money which he had paid i.e. Rs.3,00,000/- to the petitioner to be returned. However, due to some financial difficulties, the petitioner unable to return the same.

6. Further, learned counsel for the petitioner submits that the petitioner is ready and willing to provide the money seeks some time.

7. 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 surrenders and moves 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, he shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that :-

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- I. At the time of release, the petitioner shall pay an amount of Rs.1,00,000/-(rupees one lakh) to the informant and thereafter, balance amount shall be paid within a period of three months thereafter;
 - II. he shall not default in attendance of the court during trial on each date of posting;
 - III. while on bail, he shall not threaten, harass and terrorize the informant and her /his family members in any manner whatsoever; and

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

8. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge

