

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10651 of 2022

Prafulla Kumar Nayak

....

Petitioner

Mr. S.K. Mahanty, Advocate

-versus-

State of Odisha

....

Opp. Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

08.09.2022

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.904 of 2022, arising out of Jagannath Prasad P.S. Case No.202 of 2022 pending in the court of learned S.D.J.M., Bhanjanagar for commission of offence punishable under Sections 420/506/34, I.P.C.
5. It is submitted by learned counsel for the petitioner that the petitioner is an employee and he is working as a Head clerk in the office of the Sub-Registrar, Aska. It is further submitted by learned counsel for the petitioner that one Prakash Chandra Patra, who is the principal accused, executed the forged sale deed. Further, he submits that another co-accused, namely, Susanti Biswal, who was on similar

footing with the present petitioner, has already been released on bail by this Court in ABLAPL No.8287 of 2022 vide order dated 27.07.2022 and also another co-accused, namely, K. Pramod Kumar Murty, who was on similar footing with the present petitioner has already been released on bail by this Court in ABLAPL No.10303 of 22 vide order dated.02.09.2022.

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 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 :-

- I. The petitioner shall cooperate with the Investigating Officer as and when required for the purpose of investigation; and
- II. he shall not default in attendance of the court during trial on each date of posting;

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

7. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge