

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10673 of 2022

Prasanna Ku. Mohanty

Petitioner

....
Mr.G.R.Mohanty, Advocate

-versus-

State of Odisha

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

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

**ORDER
13.10.2022**

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner, learned Addl. Standing Counsel for the State. Perused the records.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 323, 420, 468, 471, 354-A, 354-B, 294, 506, 509/34 of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioner that there exist a civil dispute between the Petitioner and the informant. It is also submitted by the learned counsel for the Petitioner that the Power of Attorney executed in favour of the present Petitioner was cancelled on 02.11.2012 by virtue of a registered cancellation deed.

It is further submitted by the learned counsel for the Petitioner that much prior to that the land was alienated by the informant and her brother in favour of the present Petitioner by virtue of a registered sale deed executed by the complainant and her brother. Further, it is submitted that a civil suit involving the self same dispute is pending before the learned Civil Judge (Senior Division) Pipili vide C.S.No.1126/852 of 2017/16 pending adjudication.

5. Considering the 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 Petitioner, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned J.M.F.C., Pipili in G.R.Case No.305 of 2022 arising out of Pipili P.S.Case No.199 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 verification of criminal antecedents of similar nature.

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

- (i) The Petitioner shall cooperate with the investigation and appear before the I.O. as and when required by the I.O.;
- (ii) He shall not threaten, influence, terrorise or harass the informant and his family members in any manner whatsoever while on bail;
- (iii) He shall appear before the trial court on each and every date fixed.

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

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

(A.K. Mohapatra)
Judge

RKS

