

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10710 of 2022

Sanjay Behera & others

.... ***Petitioners***
Mr. S.R.Mulia, Advocate

-versus-

State of Odisha

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

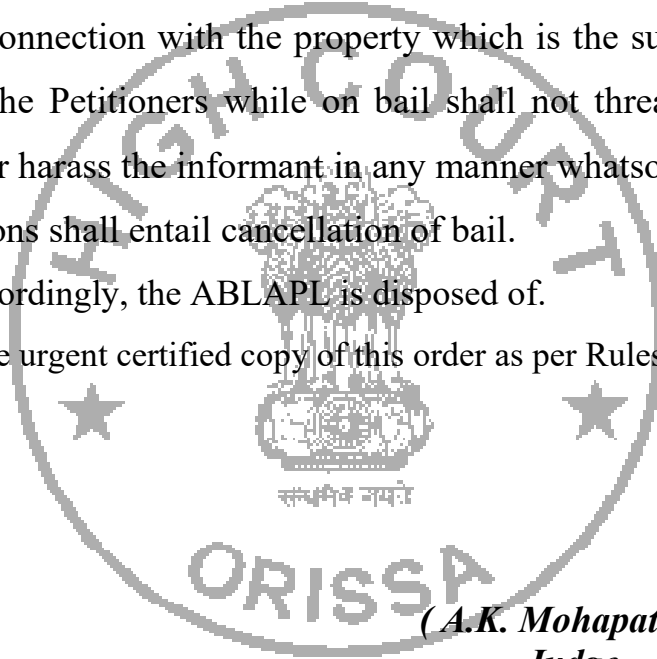
08.09.2022

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioners and the learned Additional Standing Counsel. Perused the records.
 3. This is an application under Section 438 Cr.P.C. filed by the Petitioners for anticipatory bail.
 4. It is submitted by the learned counsel for the Petitioners that a civil suit is pending between the Petitioners and the informant bearing C.S.No.195 of 2022 pending before the learned Senior Civil Judge, 1st Court, Cuttack. The suit has been filed seeking relief of specific performance of contract and for permanent injunction. On consideration of the factual backgrounds, it appears that there exists a civil suit between the parties.
 5. Considering the nature of allegations made, gravity of the

offence and the facts of the case, I am not inclined to grant anticipatory bail to the Petitioners. However, it is directed that in the event the Petitioners surrender before the learned S.D.J.M.(S), Cuttack in G.R.Case No.1061 of 2022 arising out of Bidanasi P.S.Case No.141 of 2022 within a period of three weeks from today and move for bail, they shall be released on bail on such terms and conditions as would be deemed just and proper by the learned Magistrate with further conditions that the Petitioners while on bail shall cooperate with the investigation and appear before the I.O. as and when required and shall abide by any order passed by the Civil Court in connection with the property which is the subject matter of dispute. The Petitioners while on bail shall not threaten, influence, terrorise or harass the informant in any manner whatsoever. Violation of conditions shall entail cancellation of bail.

6. Accordingly, the ABLAPL is disposed of.
7. Issue urgent certified copy of this order as per Rules.



(A.K. Mohapatra)
Judge