

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10717 of 2022

Rajesh Kumar Hemrom

....

Petitioner

Mr. Bidyalok Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Sitikant Mishra, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

20.10.2022

Order No.

03. 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 420/409, I.P.C.
4. It is submitted by learned counsel for the Petitioner that, as per the allegation in the F.I.R. one Santosh Kumar Dora, who was working as Cashier in the Bank has been arrested and he has confessed before the police that he has defalcated the bank's money to the tune of Rs.80 lakhs & some odd. However, so far as the present Petitioner is concerned, it is stated that neither he has been named in the F.I.R. nor there is any allegation against him. However, learned counsel appearing for the Petitioner submits that, the

Petitioner, who is an employee of the bank, is being harassed by the police in connection with the present case. Learned counsel for the Petitioner further submits that the Petitioner does not have any criminal antecedent of similar nature in his name.

5. Considering the aforesaid facts and submission, seriousness of the allegation and gravity of the offence, 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., Baipariguda in the G.R. Case arising out of Baipariguda P.S. Case No.186 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 the Petitioner. If it is found that there is more than one criminal antecedent of similar nature against the Petitioner, then this bail order shall stand automatically revoked.

The Case Diary and Criminal Antecedent Report of the Petitioner be made available to the learned Magistrate for consideration of the bail application of the Petitioner on the date of his surrender.

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

- (i) The Petitioner shall appear before the I.O. and shall cooperate with the investigation as and when required by the I.O.;

- (ii) He shall not indulge in any other offence of similar nature to the present case, in any manner whatsoever, while on bail.
- (iii) He shall appear before the learned trial court on each date of trial, without fail.

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.

S.K.Parida

