

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8506 of 2022

Sangram Keshari Mahanty

Petitioner

Mr. Ashok Mohanty, Sr. Advocate

-versus-

State of Odisha

Opposite Party

Mr. K.K Gaya, ASC

Mr. J. Sahoo, Adv. (Informant)

CORAM: JUSTICE V. NARASINGH

ORDER
09.11.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner, learned counsel for the State and learned counsel for the Informant.
3. The Petitioner is an accused in G.R. Case No.1275 of 2022 pending on the file of learned S.D.J.M., Berhampur, arising out of Baidyanathpur P.S. Case No.185 of 2022, for commission of the alleged offence under Sections 341/294/420/468/471/120-B/34 IPC and is in custody since 11.08.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 1st Addl. Sessions Judge, Berhampur by order dated 30.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the Petitioner that even if the entire recitals in the FIR are accepted at the face value, no case under Sections 341/294/420/468/471/120-B/34 IPC is made out

and in fact allegations are more or less civil in nature and have been given the color of a criminal case as an arm twisting tactics.

6. It is further submitted by the learned counsel for the Petitioner that C.S. No.176 of 2022 was filed by the Petitioner as Plaintiff against the Informant and other co-accused who are arrayed as Defendants. The prayer made in the said civil suit is quoted hereunder for convenience of ready reference.

“i. By declaring the Regd Lease Agreement bearing No.10602201512 dt.09.03.2022 executed by the Defendant No.2 in favour of the Specimen Holdings Limited being represented by its Director Rushi Prasad Nahak for renewal of license of Apollo Clinic for a period of 5 years from 01.04.2021 to 31.03.2026 is a valid document.

ii. For grant of permanent injunction restraining the defendants and their men from interfering with the possession of the plaintiffs Apollo clinic till 31.03.2026.

iii. To grant any other reliefs as deem fit and proper in the fitness of the case.”

7. On perusal of the above, it can be seen that it is the prayer, inter alia, is to declare the lease agreement as valid and also permanently injunct the defendants and their men from interfering with the possession of the Plaintiffs Apollo Clinic till 31.03.2026.

8. It is submitted with vehemence, on instruction, that as a counter blast to the civil suit inter alia seeking restrain from interfering with the possession of the Apollo Clinic, the present FIR has been filed.

9. Learned counsel for the State relies on the statement of the Informant and submits that in a designed and calculated manner the Informant has been duped.

10. Learned counsel for the Informant, on instruction, submits that another FIR i.e. Baidyanathpur P.S. Case No.317 dated 15.09.2022 has been filed regarding genuineness of the signature of

the Informant in the resolution dated 31.03.2021 of the meeting of the Board of Directors of Aum Aarogya Hospitals Private Limited, which is at Annexure-3 of the connected BLAPL No.8988 of 2022 to act on behalf of the said Aum Aarogya Hospitals Private Limited, on the basis of which the lease was executed.

11. This Court perused the FIR and considered the recitals in the case diary submitted by the learned counsel for the State. On perusal of the same, it comes to fore that the civil suit is pending relating to the lease deed in question and it is worth noting that the civil suit as stated was instituted on 23.04.2022 and the FIR was filed on 12.06.2022.

12. This Court by order of even date has released the co-accused.

13. Considering the nature of allegation, taking into account that the civil suit has been instituted at the instance of the present Petitioner, release of the co-accused and the substantial progress in investigation and the period of custody, this Court directs the Petitioner to be released on bail on such terms to be fixed by the learned court in seisin over the matter.

14. Additionally, it is directed that the Petitioner shall appear before the I.O on such time and date as fixed by the learned Court in seisin. The Petitioner shall not leave the State of Odisha without the express permission of the Court in seisin

15. Accordingly, the BLAPL stands disposed of.

16. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

PKS