

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10956 of 2022

Monalisa Sutar

.... ***Petitioner***
Mr. D. Pradhan, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. S. Patra, 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 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.371 of 2022, arising out of Tirtol P.S. Case No.393 of 2022 pending in the court of learned J.M.F.C., Tirtol, Jagatsinghpur for commission of offences punishable under Sections 420/323/294/34, I.P.C.
5. It is submitted by learned counsel for the petitioner that the petitioner had borrowed a sum of Rs.16,00,000/-(rupees sixteen lakhs) from the informant for her daughter's marriage and construction of old house by pledging her gold ornaments. However, despite assurance, the informant could not repay the said money due

to financial difficulties.

6. It is further submitted by learned counsel for the petitioner that before filing the present case, a meeting was convened for amicable resolution of the dispute between the parties. According to the minutes, the petitioner shall pay the same. Despite such specific decision, the petitioner could not repay money.

7. It is submitted by learned counsel for the petitioner that the petitioner is ready and willing to try her best to repay the loan amount, if another opportunity is given to the petitioner to repay the money and she needs some time to arrange the money.

8. Considering the facts and circumstances of the case, 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;
- II. he shall not default in attendance of the court during trial on each date of posting; and
- III. he shall not threaten, harass and terrorize the informant and her /his family members in any manner whatsoever.

Violation of any of the terms and conditions shall entail

cancellation of bail.

9. It is further directed that the bail granted to the petitioner is subject to depositing cash of Rs.2,00,000/-(rupees two lakhs) immediately at the time of her release on bail to the informant thereafter the balance amount shall be in six installments failing which this order shall automatically be revoked.

10. Accordingly, the ABLAPL is disposed of.

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

Jagabandhu

