

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11562 of 2022

Bali @ Rakesh Ku. Behera

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

-versus-

State of Odisha

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
19.09.2022

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioner and the learned Additional Standing Counsel. Perused the records.
 3. This is an application under Section 438 Cr.P.C. filed by the petitioner for anticipatory bail.
 4. It is submitted by the learned counsel for the petitioner that a civil suit is pending between the petitioner 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 petitioner. However, it is directed that in the event the petitioner surrenders 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, he 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 petitioner 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 petitioner while on bail shall not threaten, influence, terrorize or harass the informant in any manner whatsoever. Violation of conditions shall entail cancellation of bail.

6. Accordingly, the ABLAPL is disposed of.

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

संक्षेपिक न्यायो

(*A.K. Mohapatra*)
Judge