

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11589 of 2022

Chandra Shekhar Dixit

....

Petitioner

Mr. Milan Kanungo, Sr. Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

12.10.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned senior 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.158 of 2022, arising out of Digapahandi P.S. Case No.120 of 2022, pending in the court of learned J.M.F.C., Digapahandi for commission of offence punishable under Sections 306/34, I.P.C.
5. It is submitted by Mr. M. Kanungo, learned senior counsel appearing for the petitioner that in fact, the deceased committed suicide by taking poison of pesticide. However, so far as the present petitioner is concerned, he is working as a A.G.M of AFCONS

Infrastructure Ltd.

6. Further, it is submitted by Mr. Kanungo, learned senior counsel appearing for the petitioner that the F.I.R. was lodged after seven months of alleged occurrence i.e. the occurrence took place from the 28.08.2021 at 7.00 P.M., F.I.R. was lodged on 17.03.2022.

7. On perusal of the F.I.R. it appears that the deceased was working as a labourer in the AFCONS Infrastructure Ltd. but, there are no outstanding wages to pay the deceased as a result of which the deceased approached the petitioner and other officers of the company on several occasions to clear up the outstanding dues. However, authorities made some false promises and did not pay the outstanding wages as due to the deceased as result of which the deceased committed suicide. Referring to the F.I.R. and the statement of the witnesses, there is no allegation against the petitioner.

8. Learned counsel for the State, on the other hand, opposes the bail application of the petitioner on the grounds that the allegation made in the F.I.R. prima facie case is made out against the petitioner. However, investigation of the case is going on and if the petitioner will be released on bail, investigation of the case would be affected.

9. Having heard learned counsel for the respective parties and after considering the facts and circumstances of the present case, this Court is of the considered view that the petitioner can be released on anticipatory bail. Therefore, it is directed that in the event of arrest of the petitioner by the Arresting Officer in the aforesaid case, petitioner shall be released on bail on such terms and conditions as

deemed just and proper by the Arresting Officer.

10. With the aforesaid observation/direction, the bail application stands disposed of.

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

(A.K. Mohapatra)
Judge

Jagabandhu

