

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11601 of 2022

Sonali Soren

.... ***Petitioner***
Mr. P.K. Nanda, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

14.10.2022

Order No.

02.

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. for grant of anticipatory bail to the petitioner in connection with C.T. Case No.1659 of 2022 arising out of Baripada Town P.S. Case No.771 of 2022 pending in the Court of learned S.D.J.M., Baripada for alleged commission of offences under Sections 409/420/467/468/34, I.P.C.
4. It is submitted by learned counsel for the petitioner that on similar footing with the present petitioner, other co-accused persons have already been released on bail by this Court.
5. It is further submitted by learned counsel for the petitioner that the present petitioner, who happens to be the husband of one Sonali Soren, who is working in the office of the Union Bank of India at Baripada Branch. He further submits that the petitioner had applied for Mudra Loan from the Bank. On being recommended by said

Sonali Soren final approval and sanction was given by one Mochiram Kisku, the Branch Manager. It is also submitted by learned counsel for the petitioner that the petitioner has been paying installments regularly. Further, he states that the Branch Manager, who is the sanctioning authority in the present case, has already been arrested and released on bail.

6. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the petitioner.

7. However, on the submission of the learned counsel, the petitioner is given liberty to surrender before the learned S.D.J.M., Baripada in the aforesaid case in the first hour within 21 working days hence and move for bail. On such event, the learned Magistrate shall consider his application for bail in the first hour strictly on the basis of the materials on record. In case of rejection of the bail application, the petitioner may move for bail before the higher forum in the second hour. On such event, the higher forum shall consider and dispose of the bail application of the petitioner on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

7. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the petitioner, if applied for.

8. The ABLAPL is accordingly disposed of.

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

(A.K. Mohapatra)
Judge

