

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12185 of 2022

Kishore Kumar Rout

.... ***Petitioner***
Mr. S.S. Ray-2, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. Shashanka Patra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

Order No.

ORDER
24.09.2022

01. 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 C.T. Case No.915 of 2021, arising out of Capital P.S. Case No.100 of 2021 pending in the court of learned S.D.J.M., Bhubaneswar for commission of offence punishable under Sections 406/420/427/467/468/471/409/506, I.P.C.
5. It is submitted by learned counsel for the petitioner that the dispute involved in the present case is arising out of the conduct of

the petitioner. It is stated that the petitioner developed intimacy with the complainant and there was an agreement made between the petitioner and the complainant regarding sale deed of land at a cost of Rs.3,53,95,000/-(Rupees three crore fifty-three lakhs ninety-five thousand). Out of the same, the complainant had advanced a sum of Rs.35,39,500/-(Rupees thirty-five lakhs thirty-nine thousand five hundred) to the petitioner. However, transaction did not materialize. Thereafter, the complainant moved an application under Section 9 of the Arbitration and Conciliation Act, 1996 before the learned court below bearing ARBP No.19/10 of 2021. It is further submitted by learned counsel for the petitioner that pursuant to the Arbitration Center, learned District Judge, Khurda passed interim order dated 10.02.2021 directing the petitioner not to create any third party interest over the scheduled property.

6. Considering the nature of allegation, gravity of 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 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 C.T. case, he shall be released on bail on such terms and conditions as would be deemed just and proper with the further additional 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;

- III. While on bail, he shall not threaten, harass or terrorize the informant and her/his family members in any manner whatsoever; and
- IV. He shall not tamper with the prosecution evidence in any manner whatsoever.

Violation of any of the terms and conditions shall entail cancellation of bail of the Petitioner.

7. The ABLAPL is disposed of accordingly.
8. Urgent certified copy of this order be granted as per rules.

S.K. Parida

