

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8595 of 2021

Niranjan Rana

.... **Petitioner**
Mr. S.C. Mohapatra, Adv.

- Versus -

State of Odisha

.... **Opp.Party**
Mr. P. Tripathy, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

11.08.2022

Order No.
09.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. As per certified copy of the surrender certificate filed in Court today, the petitioner has surrendered to custody on 09.08.2022 after expiry of the period of interim bail.
4. The petitioner is in custody since 29.07.2021 in connection with Baliana P.S. Case No.214 of 2021 corresponding to G.R. Case No.619 of 2021 pending in the Court of learned J.M.F.C.(O), Bhubaneswar for the alleged commission of offence under Sections 420/294/506/34 of IPC.
5. It is alleged that the petitioner committed fraud by selling a piece of land to the informant who, being influenced by him, paid a sum of Rs.5,00,000/- for such transfer. Accordingly, a sale deed was executed on 21.06.2003 for a consideration amount of Rs.1,65,000/-. The informant thereafter converted the land to homestead and also mutated the same in her favour and developed the said land. Subsequently, it came to light that the very same land had been sold by the petitioner to other persons.

On such allegation, the informant lodged the FIR leading to registration of the Baliana P.S. Case No. 214 of 2021.

6. It is submitted by Mr. S. Mohapatra, learned counsel for the petitioner that the allegations are false and baseless and in any event, the petitioner has already deposited a sum of Rs.5,00,000/- as directed by this Court in the shape of fixed deposit in the court below.

7. Mr. S.K. Baral, learned counsel appearing for the informant has vehemently opposed the prayer for bail by submitting that the petitioner was granted interim bail only on the ground that he would take steps to amicably resolve the dispute but has not honoured such commitment made to this Court. It is further submitted that the informant wrote a letter to the petitioner requesting for another piece of land in order to settle the dispute once and for all, but the petitioner did not receive such letter. It is further submitted that the amount of Rs.5 lakhs was paid by the informant in the year 2003 and therefore, returning the same amount at this stage without paying the interest that would have accrued on such amount, would seriously prejudice the informant.

8. I have considered the rival submissions as also the materials on record. Firstly, the amount that has been deposited by the petitioner pursuant to order of this Court is without prejudice to the rival claims and not a refund to the informant for the amount allegedly paid by him. The basic dispute between the petitioner and the informant relating to refund of the amount as well as sale of an alternate plot cannot be gone into by this Court while considering the application for bail. It would suffice

to note that the petitioner by depositing a sum of Rs.5,00,000/- in the court below has proved his bonafides. Charge sheet has already been submitted. The petitioner has been in custody since 29.07.2021. I therefore, find no reason to detain the petitioner in custody any longer. The bail application is therefore allowed.

9. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial court on each date of posting of the case. Further, it shall be open to the petitioner to provide an alternate piece of land to the informant, if such a request is made, which shall be without prejudice to the criminal case in question.

10. BLAPL is accordingly disposed of.

11. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana