

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12724 of 2022

Bijay Kumar Behera and another

Petitioners

....
Mr. Amitav Tripathy, Advocate

-versus-

State of Odisha

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

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
17.10.2022**

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners, learned Addl. Standing Counsel for the State. Perused the records.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 419, 420, 468, 471/34 of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioners that on the self same allegations a Departmental Proceeding was initiated against the Petitioners and they were placed under suspension. Further, it is submitted that the said Disciplinary Proceeding has been ended in exoneration of the Petitioners from the charges. Further referring to Annexure-2 the D.G.M.(B&O) & Disciplinary Authority of the S.B.I. Zonal Office has passed the dated 12.12.2012.

On a perusal of the order passed by the Disciplinary Authority, it appears that the Disciplinary Authority found no mala fide on the part of the Petitioners and as such taken a lenient view and imposed Rs.20,000/- and has exonerated them from all the charges. Further, it is submitted that on perusal of the F.I.R. it appears that the alleged occurrence relates to 29.12.2009. Although the Disciplinary Proceeding was concluded in the year 2012, but the authority waited till 2018 to lodge the present F.I.R.

5. Considering the nature of allegations made, gravity of the offence and the facts of the case, it is directed that in the event of arrest of the Petitioners by the Arresting Officer in connection with Kendrapara P.S.Case No.179 of 2018, they shall be released on bail on such terms and conditions as would be deemed just and proper by the Arresting Officer.

6. The ABLAPL is disposed of accordingly.

7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge