

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13045 of 2022

Ashish Kumar Padhy

Petitioner

....
Mr.Sidhant Ku. Jena, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr.M.K.Mohanty, A.S.C.

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

ORDER

12.10.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner, learned Addl. Standing Counsel for the State. Perused the records.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 465, 468, 471, 420, 120-B/34 of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioner that the present Petitioner is the son of one Suresh Kumar Padhy. It is further submitted that one Koutiki Sasmal, who is the registered owner of a piece of land had executed a registered Power of Attorney in favour of said Suresh Kumar Padhy to sale the land by executing a registered sale deed. It is further submitted that the informant, who is the grandson of said Koutiki Sasmal has lodged this F.I.R., 10 years after the occurrence making allegation against the present Petitioner. It is further submitted by the learned counsel for the Petitioner that the father of the present Petitioner approached this

Court earlier in ABLPL No.16547 of 2021 and this Court vide order dated 24.01.2022 was pleased to release the Petitioner on bail.

5. Considering the seriousness of the allegation, gravity of the offence and the facts of the case, although I am not inclined to grant anticipatory bail to the Petitioner, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned S.D.J.M., Berhampur in G.R.Case No.2053 of 2021 arising out of Gosaninuagaon P.S.Case No.160 of 2021 within a period of three weeks from today, he shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper in the facts and circumstances of the case.

While imposing conditions for bail, learned Magistrate shall also impose the following additional conditions –

- (i) The Petitioner shall cooperate with the investigation and appear before the I.O. as and when required by the I.O.;
- (ii) He shall not threaten, influence, terrorise or harass the informant in any manner whatsoever while on bail;
- (iii) He shall appear before the trial court on each and every date fixed.

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

6. The ABLAPL is disposed of accordingly.

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

(A.K. Mohapatra)
Judge