

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13079 of 2022

Biswajeet Sahu and others

....

Petitioners

Ms. Agni Sikha, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. S. Patra, ASC

Mr. A.K. Chaudhury, Advocate for the Informant

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

02.12.2022

Order No.

01.

1. Heard learned counsel for the Petitioners and the State.
2. This is an application for bail U/s.438 Cr.P.C. filed by the Petitioners in anticipation of arrest for their alleged involvement in the offences U/s.467/468/471/506/34 IPC.
3. It is submitted by Ms. Agni Sikha, learned counsel on behalf of Mr. S.P. Das, learned counsel for the Petitioners that the present Petitioners are the law abiding citizen being engaged as Additional Tahasildar, Parlakhemundi, R. Udayagiri besides Senior Revenue Assistant in the office of the Collectorate at Ganjam, Gajapati and Koraput. According to her, the allegations against the Petitioners that they impersonated the complainant and forged his signature and manufactured the documents are matters of record and can be thrashed into during trial and the availability of the present

Petitioners being officers and senior ministerial staff of the Government of Odisha, there is no chance of their escape but to submit investigating agency as well as the jurisdiction of the court and at no point of time there could be any change of their fling from the jurisdiction of the court of law. It is also contended that the integrity of the complainant himself being questionable who has been dismissed from service on the ground of misconduct could not be taken as absolute and authentic so as to implead the present Petitioners in the alleged offence and accordingly, she insisted for consideration of pre-arrest bail for the Petitioners.

4. Learned counsel for the Informant, on the contrary, submitted that the affidavit submitted by him and the document annexed clearly attributes the allegations against the Petitioners and they being in the helm of FIR could manipulate the document and manufacture the same to their advantage in utter disregard the law disadvantage to the Informant who was consistently harassed during his service period by the present Petitioners. He further submitted that the signatures appearing in the documents are forged and there is impersonating of the Informant before the authority in order to create the document directly and at the behest of the Petitioners and as such are not entitled to the grant of bail.

5. Keeping in view the submission of the parties, on perusal of the FIR and the documents submitted on behalf of the Informant, the allegations surfaces that the present Petitioners being engaged in corrupt practices in violation of Government conduct and service rules allegedly to have created some documents by impersonation

and resorting to the forged documents. The allegation further reveals that the Petitioners to have engaged in fraudulently activities and chased behind the Informant when he exposed the Petitioners as to their illegal act and conduct. All that have been contended by the parties both from the side of the Informant and the Petitioners emerges the controversy centers round the documents which requires a complete technical examination as well as a trial as is apparent. The Petitioners being the Government Officers have no chance of being absconded from the jurisdiction of the court and almost have the audacity to avoid the investigating agency in complete the investigation.

6. In the above circumstances, the custodial interrogation of the Petitioners is not required. Be that as it may, while this Court is not inclined to grant the anticipatory bail, while this Court is not inclined to grant anticipatory bail, it is directed that in the event the Petitioners surrender in connection with Chatrapur P.S. Case No.584 of 2022 corresponding to G.R. Case No.973 of 2022 pending in the court of learned S.D.J.M., Chatrapur within a period of two weeks' hence and move for bail, they shall be released on such terms and conditions as would be deemed just and proper by the said court with further conditions that they shall appear in person before the court below on each date of posting of the case unless specifically exempted by the court concerned with the further conditions that they shall appear before the IO as and when required, shall not threaten or intimidate the Informant party in any manner whatsoever and shall cooperate with the investigation; shall

not indulge in any other similar offence in any manner whatsoever while on bail. Violation of any of the conditions shall entail cancellation of bail of the Petitioners.

7. The ABLAPL is disposed of.

(Chittaranjan Dash)
Judge

KC Bisoi

