

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13213 of 2022

Manas Mishra

....

Petitioner

Mr. Samvit Mohanty, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. S. Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

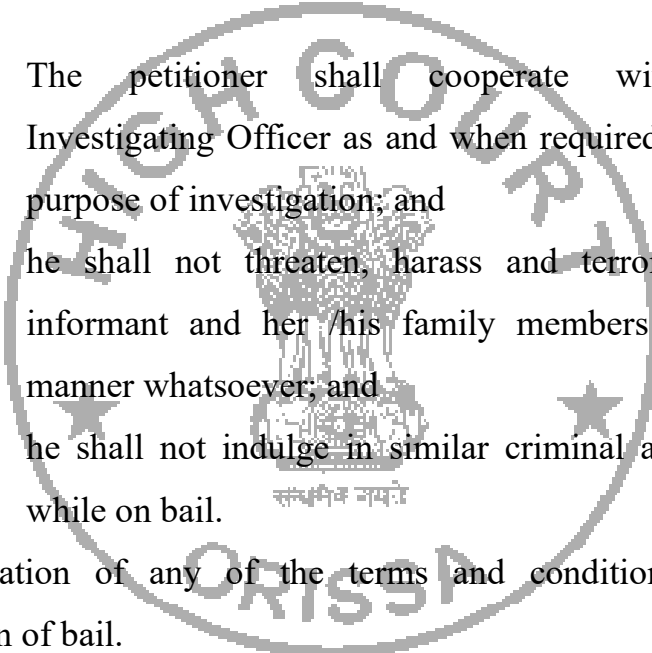
ORDER

14.10.2022

Order No.

- 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 G.R. Case No.1457 of 2022, arising out of Jagatsinghpur P.S. Case No.641 of 2022 pending in the court of learned S.D.J.M., Jagatsinghpur for commission of offence punishable under Sections 341/323/379/392/506/34, I.P.C.
 5. On perusal of the F.I.R., it is seen that the petitioner has been named in the F.I.R. and he had taken away a sum of Rs.54,000/- from the informant.
 6. It is submitted by learned counsel for the petitioner that the informant had taken money from the petitioner and did not repay same and when the petitioner forcibly taken the same from the informant, a false case has been foisted against the petitioner.

6. Considering the nature of allegation, gravity of offence and the fact 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 case, he shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that the petitioner shall return the money, which he had taken from the informant as stated by learned counsel for the petitioner within a period of three months in three equal installments with further conditions that :-

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- I. The petitioner shall cooperate with the Investigating Officer as and when required for the purpose of investigation; and
 - II. he shall not threaten, harass and terrorize the informant and her /his family members in any manner whatsoever; and
 - III. he shall not indulge in similar criminal activities while on bail.

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

7. It is open for the learned court below, if the petitioner fails to pay the installments, then the learned court below shall proceed against the petitioners in accordance with law.

8. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge