

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13284 of 2022

Niladree Ranjan Naik

Petitioner

....
Md.Golam Madani, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr.M.K.Mohanty, 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 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 403, 406, 409 of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioner that in the F.I.R. there is allegation against the Petitioner that he has misappropriated a sum of Rs. 21,85,303/- The aforesaid fact came to light by virtue of an audit report submitted by the Auditor. On perusal of the F.I.R. it is found that the F.I.R. has been registered on the information given by the Chief District Medical & Public Health Officer, Bhadrak. Learned counsel for the Petitioner further submits that he has already returned the entire amount in the meantime.
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., Bhadrak in G.R.Case No.2657 of 2022 arising out of Bhadrak Town P.S.Case No.396 of 2022 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. Further release of the Petitioner shall also be subject to verification of the fact that whether the Petitioner has already returned the entire amount, which is alleged to have been misappropriated by the Petitioner, in the meantime.

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 indulge in similar nature of criminal offence while on bail;
- (iii) He shall appear before the learned 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