

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13441 of 2022

Manas Ranjan Swain

....

Petitioner

Mr. Sangram Mishra, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. Shashanka Patra, ASC.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

14.11.2022

Order No.

02.

1. Heard learned counsel for the Petitioners and learned counsel for the State.

2. By means of this application the Petitioner seeks bail under Section 438 Cr.P.C in anticipation of arrest for his alleged involvement of offence Under Section. 467/420/406/294/120-B/506/354(a)/307/409 read with Section 34 IPC in connection with 1CC case No. 146 of 2022 pending in the file of the learned J.M.F.C.(P), Kujanga.

3. It is alleged that the father of the informant purchased land measuring an area of Acre 0.20 decimal out of an area measuring Acre 21.50 decimal pertaining to plot No. 427 Khata No. 29 in Mouza Bijaychandrapur in the District of Jagatsinghpur along with seventeen others. It is further alleged that her father constructed a house in the portion of his share in absence of a partition on the

basis of an oral declaration and established a hotel in the name and style "MAMATA INN" a partnership firm in the year 2002, wherein the Petitioner managed to be the Managing Director along with his younger brother Malay Kumar Swain, as director. It is further alleged that the Petitioner misappropriated the fund of the company and got a new company registered in his name in the name and style of Margadarshee Hospitality and Retail Private Limited behind the back of the complainant and having forged the signature of the mother of the complainant inconvenience with the other Petitioner showing the Petitioner and her mother as guarantor. It is also alleged that the Petitioner having defaulted in the payment of the loan incurred against the company opened by him behind the back of the complainant got M/S. MAMATA INN Mortgaged in lieu of the loan taken by him in respect to the company registered in his name putting the entire investment of the complainant towards the guarantee against the said newly opened company in his name.

4. It is submitted by the learned counsel for the Petitioner that the entire gamut of allegations in the complaint suggests a civil dispute and the allegations could not have been constituted offences alleged against the present Petitioner and as such he seeks the intervention of the Court in the consideration of the bail. The learned counsel for the State, on the other hand, opposed the bail application.

5. Having regard to the allegations, the documents annexed to the application while it cannot be ruled out the involvement of the Petitioner in connection with the offences alleged even in the offence under Section 307 IPC, this Court is not inclined to admit the Petitioner to anticipatory bail. However, it is directed that in

case the Petitioner so choose to surrender before the Court in seisin over the matter within three weeks hence, the Court concerned shall admit them to bail on such terms and conditions as would be deemed just and proper with further conditions that they shall co-operate in the investigation and shall not tamper with the evidence in any manner, terrorize or intimidate the informant party in connection with the issue involved in the case or otherwise and shall appear in person during trial on his date unless the Court specifically exempt them from such appearance.

6. The ABLAPL is disposed of accordingly.

(*Chittaranjan Dash*)
Judge

B.K Sahoo

