

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13451 of 2022

Shraban Kumar Pratihari

.... ***Petitioner***
Mr. S.C. Dash, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. S. Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

19.10.2022

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 C.T. Case No.243 of 2022, arising out of Kanpur P.S. Case No.112 of 2022 pending in the court of learned Judicial Magistrate First Class, Narasinghpur for commission of offences punishable under Sections 420/465/468/471/294/506/34, I.P.C.
5. It is submitted by learned counsel for the petitioner that the informant and the present petitioner are manufacturer of 'Bidi'. It is further submitted by learned counsel for the petitioner that both the informant and the petitioner belong to the same locality. The informant is a registered owner of 'N.Bidi' and he is selling his products and the present petitioner is also a registered owner of "PIGEON BIDI" and he

is also selling his products. The informant lodged the present F.I.R. alleging therein that the petitioner is selling 'Bidi' by duplicating brand of the informant. Hence, the present case.

6. Considering submissions made as well as the facts of the present 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 :-

- I. The petitioner shall cooperate with the Investigating Officer as and when required for the purpose of investigation; and
- II. he shall not sell the product in the name of the informant brand while on bail.

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

7. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge