

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13493 of 2022

Sanatan Roul and another ***Petitioners***
Mr. D.K. Pradhan, Advocate
-versus-
State of Odisha ***Opp. Party***
Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

20.10.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.
4. The petitioners are seeking pre-arrest bail in connection with I.C.C. Case No.15 of 2022 corresponding to G.R. Case No.110 of 2018, arising out of Town P.S. Case No.24 of 2018 pending in the court of learned S.D.J.M., Sadar, Dhenkanal for commission of offences punishable under Sections 418/420/405/408/409/463/464/468/471/294/341/120-B/506, I.P.C.
5. It is submitted by learned counsel for the petitioners that the petitioner no.1-Sanatan Roul is the Stamp Vendor and petitioner no.2-Santosh Kumar Ojha is the Advocate, who have assisted in purchase of a piece of land which belongs to the complainant. The complainant filed suit against the alleged vender in C.S. No.95 of 2018 before the

Civil Judge (Sr. Division), Dhenkanal wherein the complainant was plaintiff and the present petitioners were Defendants No.4 and 7.

6. On perusal of the judgment passed by the learned Civil Judge (Sr. Division), Dhenkanal on 01.02.2020, it appears, the suit has been dismissed on contest.

7. It is submitted by learned counsel for the petitioner that earlier an F.I.R. was lodged against the petitioners and others by the complainant which was registered as P.S. Case No.24 of 2018 corresponding to G.R. Case No.110 of 2019. It is further contended that in the said case, the police conducted investigation and after completion of investigation, final form has been submitted, disclosing that no case is made out against the petitioners. Thereafter, the **disagreed** vendor has filed a successive complaint though the same was registered as I.C.C. case.

8. Considering the nature of allegation, gravity of offence and the fact was background of the case, I am not inclined to grant anticipatory bail to the petitioners. However, it is directed that in the event the petitioners surrender and move 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, they shall be released on bail on such terms and conditions as would be deemed just and proper.

9. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge