

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13494 of 2022

Srinibas Nayak and others

....

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-Srinibas Nayak is the middleman, petitioner no.2-Sarada Prasanna Mohanty, husband of the purchaser and petitioner no.3-Archana Mohanty @ Archana Kumari Mohanty is the purchaser, who have participated / conspired in a sale transaction of a land which

belongs to the complainant. The complainant had earlier filed a suit against the alleged vender and others bearing C.S. No.95 of 2018 before the Civil Judge (Sr. Division), Dhenkanal wherein the complainant was plaintiff and the present petitioners are Defendant Nos.1, 3 and 2 respectively.

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

7. It is submitted by learned counsel for the petitioner that earlier 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.

8. Considering the nature of allegation, gravity of offence and the factual 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

