

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13511 of 2022

***Ashish Kumar Pratap @ Ashish
Pratap @ Bachu @ Hemanta***

Petitioner

....

Mr.G.R.Dhal, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.S.Mishra, A.S.C.

**CORAM:
JUSTICE A.K.MOHAPATRA**

ORDER

21.10.2022

Order No.

01. 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 419, 420/34 of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioner that Petitioner was arrested in connection with an earlier case in relation to self same occurrence and he was released on bail in Badagada P.S. Case No.328 dated 23.09.2022 for commission of offences under sections 419, 420, 120-B/34 of the Indian Penal Code. It is also submitted by the learned counsel for the Petitioner that on the self same allegation the present F.I.R. has been lodged by another person. Further, it is submitted by the learned counsel for the Petitioner that there is no evidence of transfer of money.

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., Bhubaneswar in C.T. Case No.6052 of 2022 arising out of Badagada P.S.Case No.340 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, but subject to verification of criminal antecedents of similar nature.

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 offence while on bail;
- (iii) He shall appear before the court below 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