

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13989 of 2022

Ajay Kumar Agrawal

.... ***Petitioner***
Mr. S.K. Joshi, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. Shashanka Patra, A.S.C.

**CORAM:
JUSTICE CHITTARANJAN DASH**

Order No.

**ORDER
16.11.2022**

02.

1. Heard the learned counsel for the Petitioner and the State.
2. By means of this application, the Petitioner seeks grant of bail under Section 438, Cr.P.C. in anticipation of arrest for his alleged involvement in the offence under Sections 341/365/323/506/34, I.P.C. in connection with Lathor P.S. Case No.108 of 2022 corresponding to G.R. Case No.658 of 2022 pending in the court of learned S.D.J.M., Patnagarh.
3. It is alleged that, on 18th September, 2022 one Kaushalya Devi Agrawal, w/o. Bhopal Agrawal of village Lathor in the district of Balangir lodged a written report informing that one Sunil Agrawal along with Ajaya Agrawal of Raipur and Nagu Sing Saluja of Kantabanji and another assaulted his son Dindayal Agrawal and took him in a car and threatened to kill him in life and therefore his son is in danger. On the basis of the report, police registered a case

and took up investigation. Apprehending arrest by police, the Petitioners have moved in the present.

4. It is submitted by the learned counsel for the Petitioner that the Informant is due to pay a sum of Rs.1,40,000/- to the Petitioner in connection with business transaction between the Petitioner and the Informant party, and when the Petitioner insisted for refund of the dues, the present case has been hatched against the Petitioner to avoid the payment. According to the learned counsel for the Petitioner, there is no such material to implicate the present petitioner in the offences as alleged in as much as they are businessmen and having no criminal antecedents standing to their credit.

5. Learned counsel for the State on the other hand opposed the bail application.

6. Considering the submissions of the parties, the fact that the parties are in business transaction much prior to the alleged incident and there is also material on record as subscribed by the learned counsel for the State that the Informant was due to pay a sum of Rs.1,40,000/- to the Petitioners, in absence of any criminal antecedents against the Petitioner, this Court though is not inclined to grant anticipatory bail, it is directed that if the Petitioners so chooses may surrender before the court in seisin over the matter and moves for bail, the court concerned shall admit the Petitioners to bail on such terms and conditions as deemed just and proper, keeping in view the fact that the Petitioners belong to outside the jurisdiction of the court so also the State, and other conditions as

would be required for ensuring the presence of the Petitioner to further the trial including cash security. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge

S.K. Parida

