

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No. 968 of 2022

Pradipta Kumar Mohapatra

....

Appellant

Mr. M. Mishra, Advocate

-Versus -

State of Odisha

Respondent

....

*Mr. P. Tripathy,
Additional Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

02.12.2022

Order No.

4.

1. This matter is taken up through hybrid mode.
2. Learned State Counsel informs that notice has been served on the informant on 17.11.2022. There is no appearance, the appeal is therefore, taken up for hearing.
3. Heard learned counsel for the appellant and learned counsel for the State.
4. The appellant is in custody in connection with Bharatpur PS. Case No. 150 of 2022 corresponding to T.R. No. 166 of 2022 pending in the court of learned District and Sessions Judge, Khurda for the alleged commission of offence under Sections 420/467/408/468/471/506/294/34 of IPC read with Section 3 SC & ST (PoA) Act.
5. The above case has arisen out of a complaint lodged by one Rajani Majhi and Kabira Majhi alleging that the appellant managed to get a Power of Attorney executed by their father in his favour and utilized the same illegally by alienating the lands to different

persons. It is further alleged that such alienation was without the knowledge of the principal and also contrary to the provisions of the OLR Act inasmuch as the complainant belong to the Scheduled Tribe community but no permission was taken from the competent authority.

6. Mr. Manoranjan Mishra, learned counsel appearing for the petitioner submits that the entire allegation is false and baseless, which would be evident from the fact that no complaint was lodged during the life time of the principal and the complaint was filed only to harass the appellant on false and frivolous ground after fifteen years. It is submitted that the execution of the Power of Attorney and the alienation of land was within the knowledge of the complainant.

7. Mr. P. Tripathy has opposed the prayer for bail by submitting that the land of the Scheduled Tribe persons cannot be alienated in contravention of the provisions of the OLR Act and therefore, any such transaction would be void ab initio.

8. As it appears, the main dispute between the parties is civil in nature though there are also allegations of forgery and cheating etc. The appellant has been in custody for nearly three weeks. Investigation appears to have progressed substantially. Nothing is putforth by prosecution regarding the necessity of further detention of the appellant.

9. Having regard to the above facts, I am inclined to allow the prayer for bail. Let the appellant be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall deposit a

sum of Rs.1,00,000/- in the court below in the form of short term fixed deposit in any Nationalized Bank being pledged to the court. Such deposit shall be without prejudice to the rival claims.

10. The CRLA is accordingly disposed of.

(Sashikanta Mishra)
Judge

BC Tudu

