

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14431 of 2022

B.K. Sujit Bera @ Sujit Kumar ***Petitioner***
Bera

Mr. S.N. Mishra (4), Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. M.K. Mohanty, ASC

CORAM:
JUSTICE CHITTARANJAN DASH

ORDER
21.11.2022

Order No.

01.

1. Heard learned counsel for the Petitioner and the State.
2. By means of this application, the Petitioner seeks grant of bail U/s.438 Cr.P.C. in anticipation of arrest for his alleged involvement in the offences U/s.420/294/506/34 IPC in connection with Bhadrak Rural P.S. Case No.495 of 2022 corresponding to G.R. Case No.2562 of 2022 pending on the file of learned S.D.J.M., Bhadrak.
3. It is alleged that pursuant to a complaint filed before the learned court of S.D.J.M., Bhadrak registered vide I.C.C. Case No.267 of 2022, the court concerned referred the same for investigation to the IIC, Bhadrak Rural P.S. U/s. 156(3) whereupon the case was registered, investigation commenced. Apprehending his arrest the Petitioner moved in the present.

4. It is submitted by learned counsel for the Petitioner that the Petitioner is an innocent person and has no nexus in the alleged transaction inasmuch as he has neither received money nor is due to refund anything to the Informant and that a false case has been foisted implicating him and as such his application for bail may be considered.

5. Learned counsel for the State, on the other hand, submitted that the contents of the complaint registered as I.C.C. Case No.267 of 2022 clearly reveals a strong case against the present Petitioner.

6. Having regard to the submissions of the parties and on perusal of the complaint basing on which the police registered the case, there appears material against the present Petitioner at the behest of whom the complainant advanced money to the tune of Rs.10 lakhs whereas no initiative was taken by him as regards the sale of land despite the request of the complainant.

7. It is further reveals from the record that the present Petitioner had issued receipt dated 6th July, 2022 against the money received by him and also undertook for repayment of the sum of Rs.6.00 lakhs on 30th July, 2022 and the balance amount of Rs.4.00 lakhs on 5th August, 2022. As no step was taken and even did not pay any heed to the request of the complainant in honouring the undertaking given in the police station, the informant filed the complaint. Consequently, there being material showing overt act on the part of the present Petitioner directly attributing to the offence under Section 420 IPC, this court is not inclined to grant anticipatory bail

in favour of the Petitioner. However, the Petitioner if so chooses may surrender before the in seisin over the matter within three months hence, the learned court may consider his application on the basis of the materials available on record on its own merit not being influenced by any of the observation of this Court and dispose of the application on the same day, if there be no other legal impediment. It is made clear that this order be not taken in affirmative for grant of bail except on merit.

8. The ABLAPL is disposed of.

(Chittaranjan Dash)
Judge



KC Bisoi