

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14649 of 2022

Ganesh Chandra Mohapatra and others ***Petitioners***

Mr. J.K. Majhi, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. Debasis Biswal, ASC

**CORAM:
JUSTICE CHITTARANJAN DASH**

**ORDER
13.12.2022**

Order No.

02.

1. Heard learned counsel for the Petitioners and the State.
2. This is an application for bail U/s.438 Cr.P.C. filed by the Petitioners in apprehension of arrest for their alleged involvement in the offences U/s.420/467/468/471/476/419/195/205/34 IPC.
3. Learned counsel for the Petitioners submits that in the present matter three public servants have also been arrayed who are engaged as Sub-Registrar-cum-Registering Authority, Baliapal, Ministerial Staff/Clerks of the office of Sub-Registrar, Baliapal and the Branch Manager, Odisha Gramya Bank, Baliapal Branch. He further submitted that the Petitioners in the present are private persons.

4. Learned counsel for the State submits that there is material to implicate the present Petitioners in the offence alleged inasmuch as they have impersonated and re-registered the land stands in the name of the Informant and got the land in the name of the Petitioner No.1.

5. The case record reveals that the land was originally purchased by the complainant/informant sometime in the year 2003 from Petitioner Nos.1, 2 and 3 by virtue of registered sale deed vide No.1508. An area measuring Ac.0.05 decimals was sold out to the Complainant by Petitioner Nos.1, 2 and 3 vide Regd. Sale Deed No.1754 dated 12.08.2005 and an area measuring Ac 0.03 decimals vide sale deed No.1753 on the same day. Both the sale deeds got executed and registered before the Sub-Registrar, Baliapal. After completion of the transaction, the complainant became the owner in possession of Ac.0.08 decimals. While the matter stood thus, Petitioner Nos.1 to 4 who are Sisters and Brothers by relations hatched conspiracy and fraudulently impersonated the complainant through Petitioner No.4 Kalpana Mohapatra who identified herself as Aparajita Nath and executed registered sale deed No.722, dated 6th May, 2011 in favour of the Petitioner No.1, Ganesh Chandra Mohapatra.

6. From the above it amply reveals that the Petitioners by way of fraudulent act and forgery have got the land recorded in the name of Petitioner No.1 and thereby are amenable to the offence alleged against them.

7. In such view of the matter, keeping in view the nature of allegations, the circumstances appearing, the seriousness and gravity of the offences, this Court is not inclined to grant anticipatory bail. The ABLAPL is accordingly dismissed.

(Chittaranjan Dash)
Judge

KC Bisoi

