

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 15045 of 2022

Dr. Nayan Kishore Mohanty ***Petitioner***
Mr. K. Mohanty, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. S. Patra, ASC

CORAM:
JUSTICE CHITTARANJAN DASH

ORDER

13.12.2022

Order No.

01. 1. Heard learned counsel for the Petitioner and the State.
2. This is an application for bail U/s. 438 Cr.P.C. filed by the Petitioner in apprehension of arrest for his alleged involvement in the offences U/s. 306/34 of IPC.
3. Learned counsel for the Petitioner submits that in the present case, the relationship between the Petitioner and the deceased is Principal and student and there appears some default in payment of the tuition fees by the student for which a notice was issued for clearance of the dues amounting to ₹6,36,500.00. A copy of the notice also addressed to the Informant as well as his father, the informant herein. The details of the tuition fees due for payment have been spelt out in the said notice bearing No. 915/PRI/18. The present Petitioner is a doctor aged about 74 years and working as Principal in the Hi-Tech Medical College and Hospital. Apparently

there appears no tangible material to implicate the present Petitioner in his capacity as Principal in the alleged death of the son of the informant more particularly keeping in view the nature of death.

4. Keeping in view the fact and circumstances, nature of allegations as emerged from the materials on record, the circumstances appearing, the seriousness and gravity of the offences, it is directed that in the event the Petitioners surrender and move for bail in connection with Mancheswar P.S. Case No.205 of 2018 corresponding to C.T. Case No.1745 of 2018 pending in the court of learned S.D.J.M. Bhubaneswar within a period of three weeks hence and move for bail, he shall be allowed to go on bail on such terms and conditions as would be deemed just and proper by the said court with further conditions that the Petitioner shall appear in person before the learned court below on each date of posting of the case with further conditions as follows:-

- (i) The Petitioner shall appear before the I.O. and shall cooperate with the investigation as and when required;
- (ii) he shall not tamper with the prosecution evidence in any manner whatsoever;

Violation of any of the conditions shall entail cancellation of bail.

5. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge