

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.15627 OF 2021

Kabiraj Dharua

....

Petitioner

Mr.Jashobanta Dash, Advocate

-versus-

State of Odisha

....

Opposite Party .

Mr.S.K. Nayak, AGA,

CORAM:

MR. JUSTICE D.DASH

ORDER

11.03.2022

Order No.

03. 1. This matter is taken up through hybrid arrangement (virtual/ physical) mode.
2. This the second journey of these Petitioner in filing this application under Section-438 of the Cr.P.C. who have been implicated in connection with Belghar P.S. Case No.26 of 2019 corresponding to C.T. Case No.472 of 2019 pending on the file of the learned S.D.J.M., Baliguda for alleged commission of offence under section 403/409/420/34 of the IPC, for his grant of anticipatory bail in the event of his arrest in the above mentioned case.
3. Learned Counsel for the Petitioner submits that although he had not submitted before the Court when ABLAPL No. 18797 of 2019 had been taken up for hearing for withdrawal of this Application, the submission however had been taken in that light and the application has been dismissed as withdrawn. Under the circumstances, he submits that the Petitioner has been constraint to file this application afresh. He further submitted that this Petitioner has no role in the allegations as to the commission of offences for which the case has been registered; and he is unnecessarily chased

for being arrested in the case for which he has filed this application as his name has been indicated in the accused column in the F.I.R. In view of all these above, he prays for reconsideration of the prayer for grant of anticipatory bail to the Petitioner as according to him, the likely arrest and detention of this Petitioner would serve no useful purpose, except ruining his career.

4. Learned Counsel for the State opposes the move.

5. Considering the submissions and on going through the materials as placed; further keeping in view the surrounding circumstances of the case as also concerning the Petitioner finding change in circumstances; it is directed that in the event, the Petitioner surrenders before the court in seisin of the case in the above mentioned case within three weeks hence and moves for his release on bail, he shall be released on bail on such terms and conditions as deemed just and proper by the Court in seisin of the case with the further condition that the Petitioner without prejudice to his defence would deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand) before the said Court which shall be kept under long term fixed deposit in any Nationalized Bank and would be renewed from time to time as the Court deems proper; whose disbursement / release shall be subject to the final order as would be passed at the conclusion of the trial.

6. The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**