

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16046 of 2021

1. Md. Nizam **Petitioners**
2. Prakash Pattnayak

Mr. B. Rout, *Advocate*

-versus-

State of Odisha **Opp. Party**

Mr. D.K. Pani,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

18.01.2022

Order No.

01.

This matter is taken up by video conferencing mode.
Heard learned counsel for the petitioners and learned
counsel for the State.

This is an application under section 438 Cr.P.C. for
grant of anticipatory bail to the petitioners in connection
with C.T. Case No.6632 of 2021 arising out of
Chandrasekharapur P.S. Case No.482 of 2021 pending in
the Court of learned S.D.J.M., Bhubaneswar for alleged
commission of offences under sections 420/408/468/
471/34 of the Indian Penal Code.

Perused the F.I.R. annexed to the anticipatory bail
application.

Learned counsel for the petitioners submitted that
the co-accused Smruti Ranjan Parida was in-charge
operation in YATRI's Bhojan Private Ltd. Company and the

petitioners were working under him and the said co-accused Smruti Ranjan Parida tendered his resignation on 1st November, 2021 and his last working day was supposed to be on 30th November 2021 as per the contract and he was supposed to join in AMRI Hospital, Bhubaneswar with high monthly salary and on account of such resignation, the F.I.R. has been lodged not only against the said co-accused but also against the petitioners on the accusation that they have misappropriated money of the company. It is further submitted that the allegations are false and fabricated and in order to create obstacles in the path of the co-accused Smruti Ranjan Parida in joining another institution and since the petitioners were working under him, the case has been foisted. It is further contended that co-accused Smruti Ranjan Parida has been granted anticipatory bail by this Court in ABLAPL No.15855 of 2021 as per order dated 11.01.2022 and the offences are triable by Magistrate and therefore, the anticipatory bail application of the petitioners may be favourably considered.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioners, after going through the documents annexed to the application and the fact that the offences are triable by Magistrate and taking into account the release of co-accused on bail, I am inclined to release the petitioners on anticipatory bail and accordingly, this Court

directs that in the event of arrest of the petitioners in connection with the aforesaid case, they shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties for the like amount to the satisfaction of the arresting officer with further conditions that they shall make themselves available for interrogation by the I.O. as and when required and they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the Investigating Officer.

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

The ABLAPL is accordingly disposed of.

Parties may utilize the soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner prescribed vide Office Order dated 7th January 2022.

(S.K. Sahoo)
Judge

RKM