

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16050 of 2021

Surya Narayan Padhy* *Petitioner

Mr. A. Das, 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 petitioner and learned counsel for the State.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with G.R. Case No.333 of 2021 arising out of Jarada P.S. Case No.239 of 2021 pending in the Court of learned J.M.F.C., Patrapur for alleged commission of offences under sections 420/408/471 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the petitioner submitted that the petitioner after graduation, got admission in

Nababharat Shikshya Parishad, Odisha under Distance Education System for his B.Ed. and he appeared for the B.Ed. examination in the year 2005 and passed it successfully and was issued with a B.Ed. certificate. The institution was affiliated to Sambalpur University and the petitioner was appointed as Sikhyasahayak on 22.06.2007 on production of B.Ed. certificate and the F.I.R. was lodged in the year 2021 i.e. more than fourteen years after the production of such certificate on the accusation that the institution where the petitioner was prosecuting his B.Ed. Course was not recognized by the NCTE Eastern Zone to impart B.Ed. Course. Learned counsel for the petitioner further submitted that the offences are triable by Magistrate and the petitioner is ready and willing to cooperate with the investigation and therefore, the anticipatory bail application of the petitioner may be favourably considered.

Learned counsel for the State opposed the prayer for anticipatory bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner and the fact that the offences are triable by Magistrate, I am inclined to release the petitioner on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner in connection with the aforesaid

case, he shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties for the like amount to the satisfaction of the arresting officer with further conditions that he shall make himself available for interrogation by the I.O. as and when required and he 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