

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16059 of 2021

Tushar Kanti Samal* *Petitioner

Mr. P. Panda, 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.2919 of 2021 arising out of Choudwar P.S. Case No.514 of 2021 pending in the Court of learned J.M.F.C.(Rural), Cuttack for alleged commission of offences under sections 379/387/406/506/34 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the petitioner submitted that the petitioner instituted a complaint petition in

the Court of learned J.M.F.C., Chandikhole against the informant of the case for commission of offence under section 138 of the N.I. Act as the informant had issued a cheque in favour of the petitioner for an amount of Rs.5,75,000/- (rupees five lakhs seventy five thousand) but when the same was presented with the banker, it bounced. He further submitted that after the filing of the complaint petition, this case has been foisted against the petitioner and since the offences are triable by Magistrate, the anticipatory bail application of the petitioner may be favourably considered.

Learned counsel for the State placed the F.I.R. and 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, the background of the case 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.

RKM

