

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16110 of 2021

Suresh Nayak

....

Petitioner

Mr. A.K. Kar, Advocate

-versus-

State of Odisha

....

Opp. Party

*Smt. Susamarani Sahoo,
Addl. Standing Counsel*

CORAM:

JUSTICE S.K. SAHOO

ORDER

19.01.2022

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 C.T. Case No.6453 of 2021 arising out of Badagada P.S. Case No.406 of 2021 pending in the Court of learned S.D.J.M., Bhubaneswar for alleged commission of offence under section 394 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the petitioner submitted that the first information report was lodged against

unknown persons and due to non-fulfillment of loan amount of Tata Capital Finance Limited, letter was issued to one M/s. Jyotirmay Sasmal Agency for taking repossession of the bike from the informant (loanee) and the agency deputed his employee with an authorization letter from the Finance Company which was duly intimated to the Badagada police station and after the employee of the agency repossessed the said bike from the informant, the case has been foisted. It is further submitted that during course of investigation, two of the co-accused persons were taken into custody and they disclosed the name of the petitioner and those two co-accused persons have already been released on bail by the learned Additional Sessions Judge, Bhubaneswar and therefore, the anticipatory bail application of the petitioner may be favourably considered. He filed the bail order copy, which is taken on record.

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 petitioner, the release of co-accused persons on bail and the fact that the offence is 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