

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15718 of 2022

Manudhar Nayak

....

Petitioner

Mr. Sameer Kumar Das, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Debasish Biswal, A.S.C.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

20.12.2022

Order No.

01.

1. Heard the learned counsels for the Petitioner and the State.
2. By means of this application, the Petitioner seeks grant of bail U/s.438 Cr.P.C. in apprehension of arrest for his alleged involvement in the offences U/s. 341/294/385/323/506/34, I.P.C. in connection with Mahanga P.S. Case No.346 of 2022 corresponding to G.R. Case No.1045 of 2022 pending in the court of learned S.D.J.M., Salipur.
3. It is submitted by learned counsel for the Petitioner that consequent upon the internal friction of the college, there appears some allegations against the present Petitioner whereupon W.P.(C) No.3774 of 2022 was preferred by the present Petitioner and the extract of the order finds place in para-3 of the bail application. It is further submitted by learned counsel for the Petitioner that pursuant to the order passed in the aforesaid W.P.(C), the enraged Sub-Collector while demitting the office, lodged this complaint, which prima facie appears to be a counterblast to the order passed in the W.P.(C). As regards defalcation of the fund in the college, a

discrete enquiry has already been undertaken and nothing has been found against the present Petitioner.

4. Keeping in view the above facts and circumstances, nature of allegations appearing in the F.I.R., and the seriousness and gravity of the offences, while this court is not inclined to grant anticipatory bail, it is directed that, in the event the Petitioner surrenders and moves for bail before the learned S.D.J.M., Salipur in the aforesaid G.R. Case within a period of three weeks from today, he shall be allowed to go on bail on such terms and conditions as would be deemed just and proper by the said court, but subject to the following further conditions –

- (i) The Petitioner shall appear before the I.O. and shall cooperate with the investigation as and when required;
- (ii) shall appear in person before the trial court on each date of posting of the case, without fail.
- (iii) shall not tamper with the prosecution evidence in any manner whatsoever while on bail.
- (iv) Violation of any of the conditions shall entail cancellation of bail of the Petitioner.

5. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge