

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16162 of 2021

1. Amrita Priyadarshini

Patro

2. Pankajini Patro

3. Prasanna Kumar

Patro

.... Petitioners

Mr. Gautam Mukherji

Senior Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. A.K. Beura,

Addl. Standing Counsel

**CORAM:
JUSTICE S.K. SAHOO**

ORDER

07.04.2022

Order No.

02.

This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard the learned counsel for the petitioners and learned counsel for the State.

This is an application under section 438 of Cr.P.C. for grant of anticipatory bail to the petitioners in connection with Koraput Town P.S. Case No. 130 of 2018 corresponding to G.R. Case No. 639 of 2018 pending in the Court of learned S.D.J.M., Koraput for the commission of the alleged offences punishable under sections 409, 420, 467, 468, 471, 472/34 of the Indian Penal Code.

Learned counsel for the petitioners submitted that the

petitioners had earlier approached this Court in ABLAPL No. 8933 of 2018 and their anticipatory bail application was rejected as per order dated 19.08.2020. Learned counsel further submitted that some material aspects of the case were not placed at the time of earlier adjudication of the anticipatory bail application for which it needs reconsideration. It is further submitted that petitioners nos.1 and 2 are ladies and therefore, the prayer for anticipatory bail application may be favourably reconsidered.

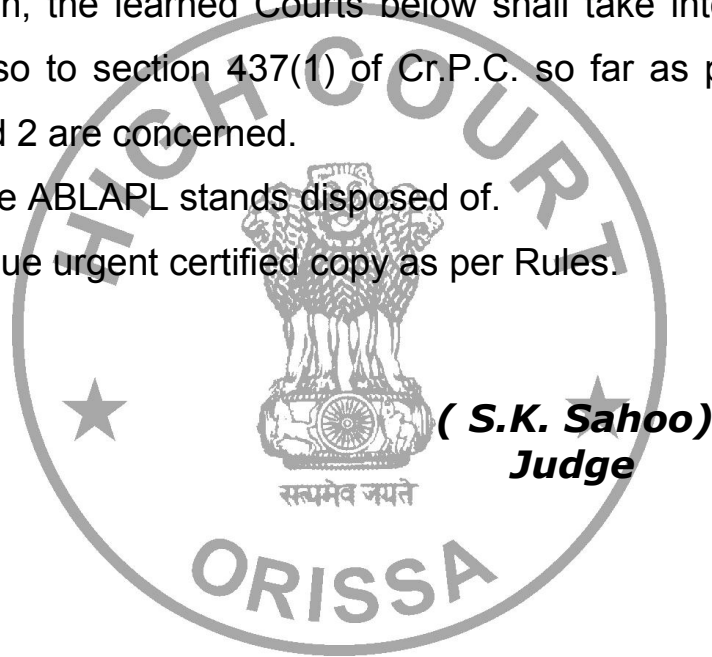
Learned counsel for the State, on the other hand, produced the written instruction obtained from the Inspector C.I.D., CB, EOW, Bhubaneswar in which it is mentioned that after rejection of the earlier anticipatory bail application, there is no change in the circumstances and petitioner no.3 Prasanna Kumar Patro is having two criminal antecedents bearing Jeypore Town P.S. Case No. 43 of 2000 and Jeypore Town P.S. Case No. 173 of 1993 in which charge sheets have been submitted under sections 466, 469 and 471 of the Indian Penal Code and under sections 409, 465, 466, 467 and 471 of the Indian Penal Code respectively. It is further submitted that the case involved economic offences and cash worth of rupees two crores have been misappropriated and custodial interrogation of the petitioners is indispensable to unearth the links more particularly, the specimen signatures, handwritings have to be procured for comparison with the forged documents. The written instruction is taken on record.

Considering the submissions made by the learned counsel for the respective parties and the nature of accusation and there being no change in the circumstances after rejection

of the earlier anticipatory bail application, keeping in view the ratio of the judgment of the Supreme Court in the case of **Y.S. Jagan -Vrs.- CBI, reported in (2013) 7 Supreme Court Cases 439**, while not inclining to grant anticipatory bail to the petitioners, liberty is granted to them to surrender and move for bail in the Court below within a period of four weeks from today in the event of which, the learned Courts below shall dispose of the same in accordance with law expeditiously. The case records shall be made available to the Courts concerned for disposal of the bail application. While adjudicating the bail application, the learned Courts below shall take into account the proviso to section 437(1) of Cr.P.C. so far as petitioners nos.1 and 2 are concerned.

The ABLAPL stands disposed of.

Issue urgent certified copy as per Rules.



PKSahoo