

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16215 of 2021

1. Sanjay Kumar Lenka **Petitioners**
2. Pabitra Kumar Rout

Mr. P.R. Chhatoi, *Advocate*

-versus-

State of Odisha **Opp. Party**

Mr. Arupananda Das,
Addl. Government Advocate

CORAM:

JUSTICE S.K. SAHOO

ORDER

20.01.2022

Order No.

01.

This matter is taken up by video conferencing mode.

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

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in connection with C.T. Case No.6005 of 2021 arising out of Laxmisagar P.S. Case No.339 of 2021 pending in the Court of learned S.D.J.M., Bhubaneswar for alleged commission of offences under sections 420/452/323/379/34 of the Indian Penal Code.

Learned counsel for the petitioners submitted that the petitioners purchased a plot from Mr. Gayadhar Jena, M.D. of Sarala Realcon Pvt. Ltd. on

12.09.2008 which appertains to Khata No.485, Plot No.1842 and sub-Plot No.154 and they were in peaceful possession of the land. He has annexed the copy of sale deed in support of such submission. He further submitted that the informant purchased the sub-Plot No.200 in Plot No.1842 from one Gayadhar Jena on 01.07.2009 and subsequently, it was rectified vide Rectification Deed on 07.06.2018 by mentioning the actual sub-Plot No.153-A in Plot No.1842. Learned counsel for the petitioners has also annexed the sale deed and the Rectification Deed as Annexures-3 and 4 to this application. It is further submitted that the petitioners have never cheated the informant but he has been cheated by the original vendor as there is no sub-Plot No.153-A in the sketch map. He further submitted that the dispute between the parties is basically civil in nature and the offences are triable by Magistrate and therefore, the anticipatory bail application of the petitioners may be favourably considered.

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

Perused the F.I.R. and the documents annexed to the anticipatory bail application.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioners, the background

of the case and the fact that the offences are triable by Magistrate, I am inclined to release the petitioners on anticipatory bail. Accordingly, this Court directs that in the event of arrest of the petitioners in connection with the aforesaid case, they shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties each for the like amount to the satisfaction of the arresting officer with further conditions that they shall make themselves available for interrogation by the I.O. as and when required and they 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.

Accordingly, the ABLAPL is 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