



IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 1682 of 2026

Suryanarayan Sahu

....

Petitioner

Mr. Asok Mohanty, Senior Advocate

-Versus-

State of Orissa

....

Opposite Party

Mr. M.K.Mohanty, ASC

Mr. S.N.Mishra, Advocate for Informant

CORAM:

MR. JUSTICE R.K. PATTANAIAK

ORDER

24.03.2026

Order

No.

01.

1. Heard learned counsel for the respective parties.
2. Instant petition under Section 482 BNSS is filed seeking pre-arrest bail of the petitioner in connection with Bhadrak Town P.S. Case No.18 of 2026 pending in the file of learned SDJM, Bhadrak corresponding to G.R. Case No.73 of 2026 on the grounds stated.
3. Perused the FIR as at Annexure-1. Mr. Mohanty, learned Senior Advocate appearing for the petitioner submits that no case of cheating is made out since there has been an agreement between the parties in terms of Annexure-3 series and it was followed by a final decree proceeding and while claiming so, Annexure-2 is cited. The submission is that as per the agreement, the petitioner has received an amount of Rs. 33,00,000/- and relinquished his share and it has been taken into account in the final decree proceeding arising out of C.S.



No. 240-I-1989 which is, however, still pending disposal. With the above submission, Mr. Mohanty, learned Senior Advocate would submit that the dispute is primarily civil in nature and without any intention to cheat, the F.I.R. has been lodged by the informant as per Annexure-1 and considering the same, the petitioner should be granted pre-arrest bail. Mr. Satyanarayan Mishra, learned counsel submits that he has instructions to appear for the informant and to file the Vakalatnama and on such ground, requests for a short adjournment to reply and respond but at the same time, on merits, he opposed the plea of the petitioner and submits that even after receiving an amount of Rs.33,00,000/- in view of the compromise by him, the share is still in his possession, hence, the informant has been cheated. Such submission of Mr. Mishra, learned counsel, who proposed to appear for the informant, is stoutly denied by Mr. Mohanty, learned Senior Advocate for the petitioner. Instead of an adjournment on the request of Mr. Mishra, learned counsel, the Court is inclined to dispose of the bail petition considering the nature of the dispute between the parties.

4. The State submitted the case diary and the statement of the informant recorded during investigation. It is made to suggest that the petitioner received an amount of Rs.45,00,000/- instead but allegedly not leaving the share. Considering the above facts and submissions of learned counsel for the respective parties, the Court finds that the case relates to a civil dispute even though cheating has been alleged by the



informant. The Court is of the view that the informant is having the rights to take possession of the property, for which payment has been made to the petitioner, in view of the pendency of the final decree proceeding before the learned Civil Judge (Junior Division), Bhadrak. In view of the above, this Court is inclined to grant pre-arrest bail to the petitioner.

5. Accordingly, it is ordered.

6. In the result, the ABLAPL is disposed of with the direction as aforesaid. In the event, the petitioner is arrested in connection with G.R. Case No. 73 of 2026 pending in the file of learned SDJM, Bhadrak, he shall be released on bail by the Arresting Officer on furnishing a bail bond of Rs.30,000/- (rupees thirty thousand) with one solvent surety for the like amount with the condition that he shall cooperate the I.O. in the investigation, if the same is pending as on date.

7. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge

kabita