



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5887 of 2024

Krushna Chandra **Petitioner**
Choudhury @ Tukuna

Mr. J. Sahoo, Advocate

-versus-

State of Odisha **Opp. Party**

Mr. D. Biswal, ASC
Mr. D. Mohapatra, Advocate for
the Informant

CORAM:

JUSTICE SIBO SANKAR MISHRA

Order
No.

ORDER
18.09.2024

02. 1. This is an application under Section-439 Cr.P.C.
2. Heard learned counsel for the petitioner and
 learned counsel for the State.
3. The petitioner is an accused in connection with
 Berhampur P.S. Case No.147 of 2024 registered under
 Sections 419/420/467/468/471/474/294/506/120-
 B/34 of the IPC corresponding to G.R. Case No.946 of
 2024 pending in the Court of learned S.D.J.M.,
 Berhampur. The petitioner had approached the learned
 Sessions Judge, Berhampur praying for grant of bail.
 The learned Court below vide its order dated
 30.05.2024, rejected the bail application of the



petitioner. Being aggrieved, the petitioner has filed the present petition under Section 439 Cr.P.C. praying for enlargement on bail.

Learned counsel for the petitioner submits that the plea of bail of the petitioner is not pending before any other Court, except the present one. He further submits that the petitioner is in custody since 17.04.2024.

4. The prosecution case is that one Sanjay Kumar Behera with the assistance and mediation of local land brokers, namely, Rama Krushna Sahu and Ashok Kumar Maharana has executed an agreement with him to sell a land of Rs. 41,40,000/- of Mouza Khodasingi. As per the agreement, said Sanjay Kumar Behera had taken cash of Rs.5,00,000/- from him towards advance money. Thereafter, the petitioner and others periodically took away money from the informant and later on the informant came to know that the said land belongs to one Late Narasingha Prasad Padhi. Hence, the F.I.R.

5. I have perused the materials form part of the charge sheet. It reveals that for selling of the land, the money has been transferred to the accused persons by cash and also through bank transactions. The money has also been transferred to one Sanjay Kumar Behera, who is one of the co-accused and he has not yet been arrested. The petitioner is in custody since



17.04.2024. The dispute is basically regarding the payment being made by the informant to the petitioner on the pretext of selling of a piece of land.

6. Mr. Mohapatra, learned counsel for the informant submits that the grievance of the informant could be redressed if the money fully paid to him.

7. Taking into consideration the period of custody since 17.04.2024 and the nature of accusation, I am inclined to admit the petitioner to bail. Hence, the petitioner be released on bail by the learned Court in seisin over the matter in the aforesaid case on such terms and conditions as it would deem just and proper and the petitioner would do well to see that the entire money received from the informant shall be paid as expeditiously as possible with the additional conditions:

(i) He shall not tamper with the evidence in any manner whatsoever;

(ii) He shall not involve in any similar type of offence.

8. In that regard, the petitioner and the informant are relegated to the Orissa High Court Mediation Cell for exploring the possibility of settlement. The Coordinator is directed to issue notice to the parties for fixing a date of mediation and submit a report. The petitioner is directed to cooperate with the mediation



process.

Violation of any of the bail conditions shall entail cancellation of bail granted to the petitioner. The prosecution is given liberty to move an application for cancellation of bail before the Court below, if the petitioner violates any conditions of the bail granted to him.

9. The BLAPL is accordingly disposed of.

(S.S. Mishra)
Judge

amit