



IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 8617 of 2025

1. Santosh Kumar Sahoo **Petitioners**
2. Pranita Pattasani

Mr. B.P. Pradhan, Advocate

-versus-

State of Odisha **Opposite Party**

Mr. S. Panda, ASC
Mr. S.K. Das, Advocate
(Informant)

CORAM: JUSTICE V. NARASINGH

ORDER
17.12.2025

Order No.

- 04.** 1. Heard learned counsel for the Petitioners and learned counsel for the State.
2. The Petitioners are seeking pre-arrest bail in connection with G.R. Case No.490 of 2025 pending on the file of learned S.D.J.M., Khurda, arising out of Jankia P.S. Case No.229 of 2025 for commission of offences punishable under Sections 316(5)/ 318(4)/ 296/ 351(2)/ 3(5) of BNS.
3. It is submitted by the learned counsel that, admittedly, the Petitioner was the supplier of shrimps to the informant company and the allegations as borne out, even if accepted at their face value, are an



offshoot of contractual obligation. Hence, in the background of the business transaction inter se between the parties and as admittedly the disputed amount is on account of such business transaction, the F.I.R ought not to have been instituted in the factual matrix.

It is stated that institution of the F.I.R is strong-arm modus operandi to recover money and considering the nature of the allegation and the background in which it is leveled, Petitioner, who does not have any criminal proclivity may be released on the pre-arrest bail.

To substantiate his submission, he relies on Paragraphs-6 and 8 of the objection affidavit filed by the Informant. The said paragraphs are extracted hereunder:

"xxx xxx xxx

6. That, it is pertinent to mention here with that the informant's company namely "HARIOMM SHRIMPEX" was supplying prawn to the petitioner's company on regular basis since last two years and in the mean time all transactions were made properly without any dispute but from last year onwards the present petitioner has not paid Rs. 1,09,24,540/- (Rupees one crore nine lakhs twenty four thousand five hundred forty only) to the petitioner and also received material on daily basis. The copy of the daily statement of receiving



materials and invoice are annexed here with as Annexure-A/2 Series.

7. xxx xxx xxx

8. That, it is humbly stated that the informant has a good business transaction with the petitioner since long but the petitioner intentionally cheated the informant's company in this regards informant has also lodged this FIR before the police station and the petitioner has also admitted before the IIC that the outstanding balance is Rs. 1,09,24,540/- (Rupees one crore nine lakhs twenty four thousand five hundred forty only) for which the petitioners also handed over a cheque to the IIC in his sweet will.

 xxx xxx xxx"

4. Such submission is opposed by the learned counsel for the State, Mr. Panda, ASC, as well as the Informant.

5. Learned counsel for the Informant, Mr. Das, referring to the reply affidavit filed by the Petitioner in response to the objection affidavit of the informant submits that the accounts relied therein are self-serving ones of the Petitioner and ought not to weigh with this Court.

5A. It is further submitted that the genuineness of the same need to be investigated. It is his further submission that the Petitioner had the mens rea for inception to commit the offence and therefore, the ABLAPL is liable to be rejected.



The ingredients of the alleged offence are made out, and the business transaction between the parties has no relevance; the references made are out of context to mislead this Court.

6. On a conspectus of the materials on record, this Court is of the considered view that the matter arises out of the business transaction between the parties and, in essence, relates to non-payment of amounts arising out of and in connection with business inter se between the parties.

Thus, it is directed that on surrendering within three weeks hence and moving for bail, the Petitioners shall be released on bail by the learned Court in seisin on such terms as deemed just and proper keeping in view the dictum of the Apex Court in the case of **Satendra Kumar Antil vs. Central Bureau of Investigation & another**, reported in **2023 SCC Online SC 452** laying down the guidelines for consideration of prayer for anticipatory bail, subject to verification of criminal antecedents.

7. If it comes to fore that the Petitioners have any criminal antecedents, this order shall not be given effect to.

8. It is needless to state that the Petitioners shall cooperate with the ongoing investigation.

8A. Taking into account the submission of the learned counsel for the Informant that there is threat



perception though, the same is not borne out from the Case Diary as stated by the learned counsel for the State, to allay such concern. Leave is granted to the informant/prosecution to seek variance of this order if there is any threat perception.

It would be apt to state the obvious that the observation made herein are only for the purpose of the consideration of the ABLAPL. The same ought not to be treated as this Court expressing any opinion regarding the complicity of the Petitioner which has to be adjudged independently.

9. Accordingly, the ABLAPL stands disposed of. U.C.C. as per rules.

(V. NARASINGH)
Judge

Soumya

Signature Not Verified

Digitally Signed
Signed by: SOUMYA RANJAN SAMAL
Designation: Jr. Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 19-Dec-2025 11:01:49

