

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.314 of 2022

Santosh Kumar Nayak

....

Petitioner

Mr.M.C.Jena,
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Sitikanta Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
24.6.2022.

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 17th November, 2021 in connection with Pipili P.S. Case No.392/2021 corresponding to G.R. Case No.558/2021 pending in the court of learned J.M.F.C., Pipili for the alleged commission of the offence under Sections 409/420/457/468/471/120-B/34 of I.P.C.

4. The prosecution case is that the money deposited in different Savings Bank Accounts of the customers of Andhra/Union Bank of India of Satasankha Branch was allegedly misappropriated. Such Savings Bank Accounts opened by different SSG groups were also withdrawn on joint signatures of the President and Secretary and misappropriated. The Petitioner was working as a Branch Manager of the said Branch and as such had passed the withdrawals slips.

5. It is submitted by learned counsel for the Petitioner that out of six accused persons one has been granted bail by the learned court below and bail of co-accused namely, Manoj Kumar Patra was rejected because investigation of the case is pending. It is submitted that charge sheet has been submitted.

6. Mr. Sitikanta Mishra, learned Addl. Standing Counsel, has opposed the prayer for bail by submitting that all the six persons had acted in unison to defraud the customers to a huge extent and, therefore, should not be shown any leniency.

7. I have considered the rival submissions and have also perused the materials on record. As it appears, the total financial involvement of the Petitioner and other accused persons comes to Rs.38,15,534/-. Charge sheet has already been submitted. Petitioner has been in custody for more than seven years by now. He is also a permanent resident of Village-Bhagabat Chandrapur, P.S.-Baripada in the district of Mayurbhanj.

8. Considering all the above facts as also taking into account the period of detention of the Petitioner in custody, I am inclined to allow the prayer for bail. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall appear before the court below personally on each date of posting of the case without fail and in case of any single default, the said court shall pass appropriate orders to take him to custody again. Further, he shall furnish cash security of Rs.5,00,000/-(Rupees Five Lakhs) in the shape of short term fixed deposit in any Nationalized Bank being pledged to the court below

9. The BLAPL is disposed of.

10. Urgent certified copy of this order be granted on proper application.

AKB

(Sashikanta Mishra)
Judge