

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.319 of 2022

Sisir Kumar Mishra

.... ***Petitioner***
Mr. D.K. Sahoo, *Advocate*

-versus-

State of Odisha

.... ***Opp. Party***
Mr. K.K. Nayak, *A.S.C.*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

01.02.2022

Order No.

01.

1. This matter is taken up through Video Conferencing Mode.
2. Heard learned counsel for the parties. Perused the F.I.R., Case Diary and other relevant documents.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The Petitioner is an accused in G.R. Case No.616 of 2021 corresponding to Lahunipada P.S. Case No.170 of 2021 pending in the court of learned S.D.J.M., Bonai for commission of offence punishable under Sections 420/468/34, I.P.C.
5. It is submitted by learned counsel for the Petitioner that as per F.I.R. allegation, the Petitioner along with another co-accused, namely, Santosh Patra, collected a sum to the tune of 1,65,000/- from the informant and others, who are innocent youth on the pretext of providing employment and thereafter, issued also fake appointment letters to them. Further he submits that the Petitioner is in custody since 12.12.2021.
6. Further learned counsel for the Petitioner submits that the Petitioner is innocent and to prove his bonafide he is ready to deposit a sum of Rs.1,00,000/-(rupees one lakh) before the learned court below and the same be kept in a separate account till conclusion of trial.

7. Learned counsel for the State vehemently opposes the prayer for bail of the Petitioner.

8. Having heard learned counsel for the parties and considering the period of detention of the Petitioner and the fact that the Petitioner is ready and willing to deposit a sum of Rs.1,00,000/-(rupees one lakh) before the learned court below, it is directed that let the Petitioner be released on bail by furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to conditions that the Petitioner shall not get involved in any offence of similar nature while he is on bail, he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever and shall appear in court during trial on each and every date without fail. Further, the Petitioner shall deposit the aforesaid sum of Rs.1,00,000/-(rupees one lakh) before the learned court below before his release on bail. Violation of any of the terms and conditions shall entail cancellation of bail granted hereby. It is open for the court in seisin over the matter to impose any conditions as may deem just and proper.

9. The Bail Application is accordingly allowed.

10. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Office Order dated 7th January, 2022.

