

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 639 of 2022

Chena Ram Saini

....

Petitioner

*Mr. A. Mohanty, Sr.
Advocate*

-Versus -

State of Odisha

Opposite Party

....

*Mr. S.K. Mishra,
Additional Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

15.02.2022

Order No.

4.

1. This matter is taken up through hybrid mode.
2. Heard Mr. Ashok Mohanty, learned Senior Counsel for the petitioner and Mr. S.K. Mishra, learned Additional Standing Counsel for the State.
3. The petitioner is in custody since 23.05.2021 in connection with Jharsuguda P.S. Case No. 215 of 2021 corresponding to C.T. Case No. 932 of 2021 pending in the court of learned S.D.J.M., Jharsuguda for the alleged commission of offence under Sections 467/468/471/420/408/120(B)/201 of IPC.
4. The prosecution allegation is that the petitioner, while working in the transport company owned by the informant misappropriated a sum of Rs.12.19 crores (approximately) by falsifying challans and preparing fake challans in connivance of some other persons. It is

further alleged that out of such misappropriated amount, the petitioner has amassed huge properties, both movable and immovable.

5. Mr. Mohanty, learned Senior Counsel has argued that in so far as the allegations are concerned, the same are omnibus and general in nature. Nothing specific has been indicated as to how or to what extent the petitioner misappropriated the amount. It is further submitted that on an objective reading of the prosecution case, it would be apparent that only because the petitioner amassed huge properties, which was disproportionate to the salary that he received from the informant, he was suspected to have played an important role in the misappropriation. It is also submitted that the investigating agency has not considered the fact that the petitioner is also the owner of a transport company and also has several other business is of his own and therefore, the allegation that he had no other source of income is not correct. Mr Mohanty has also referred to the Section 161 of Cr.P.C statement of the informant-Ravi Agarwal to submit that the statement is at best vague and non specific inasmuch as what amount was actually misappropriated by the petitioner has not been indicated. In short, it is the case of the petitioner that the case has been foisted against him only because he had acquired huge properties.

6. Mr. S.K. Mishra, learned Additional Standing Counsel for the State has opposed the prayer for bail by submitting that though charge sheet has been submitted yet investigation has been kept open as per Section 173 (8) of Cr.P.C. and therefore, some further evidence may also come to light showing the involvement of the

petitioner. It is also submitted that the allegation against the petitioner is specific to the extent that he falsified entries in the books of account and also created fake challans to defraud his employer.

7. Considering the rival submissions, the materials on record and the fact that charge sheet has already been submitted and taking into consideration the nature of allegations made against the petitioner coupled with the fact that he is a permanent resident of Jharsuguda town and further, the fact that most of his properties, both movable and immovable have already been attached, I am inclined to allow the prayer for bail.

8. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial court on each date of posting of the case without fail and shall make himself available as and when required by the I.O. for the purpose of further investigation. A further condition be imposed that he shall not leave the territorial jurisdiction of the court in seisin over the matter without obtaining leave of the Court.

9. The BLAPL is accordingly disposed of.

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

(Sashikanta Mishra)
Judge