

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1888 of 2022,
BLAPL No. 1934 of 2022 &
BLAPL No. 2356 of 2022

BLAPL No. 1888 of 2022

Dusmanta Patel **Petitioner**
Mr. Devashis Panda, Advocate
- Versus -
State of Odisha **Opposite Party**
Mr. A. Pradhan, Addl. Standing Counsel

BLAPL No. 1934 of 2022

Trilochan Dandasena **Petitioner**
Mr. Manoj Kumar Mohanty, Advocate
- Versus -
State of Odisha **Opposite Party**
Mr. A. Pradhan, Addl. Standing Counsel

BLAPL No. 2356 of 2022

Swagat Prakash Baral **Petitioner**
Mr. Soura Chandra Mohapatra, Advocate
- Versus -
State of Odisha **Opposite Party**
Mr. A. Pradhan, Addl. Standing Counsel

CORAM:
JUSTICE SASHIKANTA MISHRA

ORDER
04.05.2022

Order No.
4.

1. This matter is taken up through hybrid mode.
2. All these applications arise out of the same P.S. Case involving the same facts and therefore, were heard together and are disposed of by this common order.
3. The prosecution case is that an FIR was lodged by the

Secretary-cum- Admn., Nodal Officer of Claims Commission Office, Bhubaneswar before Kharvelnagar Police Station alleging that an order of the Claims Commission, Bhubaneswar was forged to show that the same was purportedly passed on 16.10.2020 in Civil Case No. 554 of 2019, whereby a sum of Rs.2,78,528,75.67 was awarded as compensation in favour of one Janaki Majhi. However, before the amount could be disbursed the fraud was detected and therefore, the matter was reported at police station.

4. Heard Mr. Devashis Panda, learned counsel for the petitioner in BLAPL No. 1888 of 2022; Mr. Manoj Kumar Mohanty, learned counsel for the petitioner in BLAPL No. 1934 of 2022; Mr. Soura Chandra Mohapatra, learned counsel appearing for the petitioner in BLAPL No. 2356 of 2022; and Mr. A. Pradhan, learned Addl. Standing Counsel appearing for the State.

5. It is submitted by learned counsel for the petitioners that there is absolutely no material to show the involvement of the petitioners in the occurrence, inasmuch as there is no evidence that any of them were involved in forging the order of the Commission. In any case, no amount has been transferred to the accounts of any of the petitioners. It is further submitted that learned Court below has rejected the bail application filed by the petitioners solely on the ground of their involvement in a similar case but without considering the fact there are no materials to show their complicity in the present case.

6. Mr. A. Pradhan, learned Addl. Standing Counsel submits that though no amount was transferred to any of the petitioners because of timely detection of the fraud, yet fact remains that all

three petitioners have been working together to commit similar crimes. It is further submitted that since investigation is in progress, the same may unearth other evidence and materials against the petitioners.

7. I have considered the rival submissions and have also perused the materials on record. Involvement of an accused in a case of similar nature cannot be a ground to reject his prayer for bail in the case at hand as such prayer has to be considered on the basis of materials on record in the said case. In so far as the present cases are concerned, this Court finds that except for the allegations that the petitioners are involved in creating the forged documents, there is no legally acceptable material to prima facie show their complicity therein.

8. In the above circumstances, this Court finds no reason to detain the petitioners in custody any longer. The bail applications are therefore, allowed. Let the petitioners 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 each of them shall personally appear before the Court in seisin over the matter on each date of posting of the case and in case of their non-appearance, the Court shall pass necessary orders to take them to custody again. Further, they shall make themselves available as and when required by the Investigating Officer.

9. Bail Applications are accordingly disposed of.

10. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge