

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1994 of 2022,
BLAPL No. 2121 of 2022 &
BLAPL No. 2355 of 2022

BLAPL No. 1994 of 2022

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

BLAPL No. 2121 of 2022

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

BLAPL No. 2355 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.
5.

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, in brief is that on the basis of a

forged order purportedly passed on 16.10.2020 by the Claims Commission, Bhubaneswar in Civil Case No. 306 of 2020, a sum of Rs.1,16,43,003/- was disbursed in favour of one Mangasira Dhrua to his bank account. The fraud being detected, the Secretary-cum- Admn., Nodal Officer of Claims Commission Office, Bhubaneswar lodged FIR in Kharvelnagar Police Station leading to registration of P.S. Case No. 423 of 2021 for commission of offence under Sections 419/420/467/468/471 of IPC. The complainant also intimated the Additional District Magistrate, R & R, Mahanadi Coal Fields Ltd. to request the concerned bank not to disburse 50% of the amount of compensation kept in fixed deposit in the name of the beneficiary, Mangasira Dhrua and to restrain him from operating the bank account. In course of investigation, it was found that the petitioner had transferred a sum of Rs.20 lakhs to the bank account of Trilochan Dandasena (petitioner in BLAPL No. 1934 of 2022) and Rs. 3 lakhs to the bank account of one Nilu Sharma, wife of Swagat Prakash Baral (petitioner in BLAPL No. 2355 of 2022). The said Swagat Prakash Baral is working in the office of the Claims Commission. One Dusmanta Patel, who is working as Technical Inspector in the Claims Commission Office, is also alleged to have been involved in the conspiracy of creating the forged order and of sharing the compensation granted thereby.

4. Heard Mr. Manoj Kumar Mohanty, learned counsel for the petitioner in BLAPL No. 1994 of 2022; Mr. Devashis Panda, learned counsel for the petitioner in BLAPL No. 2121 of 2022; Mr. Soura Chandra Mohapatra, learned counsel appearing for the petitioner in BLAPL No. 2355 of 2022; and Mr. A. Pradhan, learned Addl. Standing Counsel appearing for the State.

5. It is argued by Mr. Mohanty that the petitioner, Trilochan Dandasena is a labourer, employed in Mahanadi Coal Field and has no access to the office of the Claims Commission nor has any knowledge about the so-called forged order. As regards the remittance of Rs. 20 lakhs to his account, it is submitted that the said amount was towards repayment of the money taken by Mangasira Dhrua from the petitioner to sell a land in his favour. Since such land could not be sold, the amount was returned. It is further submitted that the petitioner remitted Rs.3 lakhs to the account of one Nilu Sharma, wife of Swagat Baral at the instance of the said Mangasira Dhrua.

Mr. Devashis Panda has argued that in so far as petitioner Dusmanta Kumar Patel is concerned, there is absolutely no evidence against him to show that any amount was transmitted to his account or that he was in any way responsible for committing the forgery as alleged.

Mr. Soura Chandra Mohapatra has argued that the petitioner Swagat Prakash Baral is a low placed employee in the Claims Commission who had no access to the records of the Commission so as to be able to commit any forgery therewith. The petitioner is also not responsible for diary and dispatch of orders of the Claims Commission and therefore, the fraud, if at all, cannot be attributed to him.

6. Mr. A. Pradhan, learned Addl. Standing Counsel has argued that all the three petitioners entered into a conspiracy and all of them have been monetarily benefited more or less which would be evident from the statement of witnesses, Dillip Kuar Sahoo and Ram Dhrua. It is further submitted that since the case involves fraud of more than Rs.1 crore and investigation is in progress,

more facts are likely to be unearthed and therefore, the petitioners should not be released on bail.

7. An examination of the materials on record, prima facie, reveals that a sum of Rs. 20 lakhs was remitted to the account of Trilochan Dandasena. The explanation offered for such remittance is hardly convincing. That apart, a sum of Rs. 3 lakhs also, prima facie, appears to have been transmitted to the account of the wife of Swagat Baral and no plausible reason whatsoever is offered for the same. As regards the role of Dusmanta Patel, a reading of the statement of Dillip Kumar Sahoo, who is working as a security guard in the Claims Commission, also reveals that a sum of Rs.5 lakhs was paid in cash by Swagat Baral to the father of Dusmanta Patel. Therefore, prima facie, all the three petitioners appear to have been benefited more or less from the amount disbursed towards compensation in favour of the said Mangasira Dhruva. As submitted by learned Addl. Standing Counsel, investigation into the case is in progress. The allegations are very serious, inasmuch as the same involves forging orders of a statutory Commission.

8. From the foregoing discussion therefore and considering the facts, which reveal a strong prima facie case against all the petitioners, I am not inclined to allow the prayer for bail at this stage. The bail applications stand rejected. However, it is open to the petitioners to renew their prayer for bail after submission of charge sheet in the case.

9. BLAPL is accordingly rejected.

(Sashikanta Mishra)
Judge