

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1931 of 2021

B. Murthy Pillay

....

Petitioner

Mr. A. Panigrahi, Advocate

-versus-

State of Odisha (EOW)

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

28.03.2022

Order No.

14.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned State counsel.
3. The petitioner is an accused in G.R. Case No.33 of 2021, on the files of learned S.D.J.M., Panposh, Rourkela, arising out of EOW Bhubaneswar P.S. Case No.01 of 2021, U/s.420/467/468/471/406/120-B of IPC and he is in custody since 09.01.2021.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 1st Additional Sessions Judge, Rourkela, by order dated 08.02.2021 in the aforementioned case, the present BLAPL has been filed.

5. At the outset it is worth noting that in terms of the order passed by this Court the petitioner has deposited the sum of Rs.50,50,000/- (rupees fifty lakhs fifty thousands only) to show his bonafide. An affidavit has been placed on record to submit a further sum of Rs.64 lakhs (rupees Sixty-four lakhs only) in installments as indicated in the said affidavit.

6. Learned counsel for the petitioner on the basis of orders passed by this Court dated 15.03.2022 relating to BLAPL No.4843 of 2021 and BLAPL No.953 of 2022 seeks enlargement on bail since he is in custody since 09.01.2021, inter alia, on the ground of parity.

7. Per contra the learned counsel for the State submits that admittedly an amount of Rs.2,87,00,000/- (Rupees Two Crores Eighty Seven Lakhs) was credited into the account of the petitioner maintained with the Bank of India and he has transferred an amount of Rs.1,72,50,000/- (Rupees One Crore Seventy Two Lakhs and Fifty Thousands) to the accounts of other accused. But since such transfer was at the instance of the petitioner to the accounts of other accused persons and his son who is not arrayed as an accused, learned counsel for the State submits that the petitioner should be made accountable for the entire amount and segregation as pleaded cannot be taken into account and limiting the liability of the petitioner to the tune of Rs.1,14,50,000/- (Rupees One Crore Fourteen Lakhs and Fifty Thousands) does not merit consideration of this Court. Accordingly, sought dismissal of the BLAPL.

8. It is further submitted by the learned counsel for the State that since the petitioner is the principal accused orders in respect of other accused would not enure to his benefit.

9. On a conspectus of the materials on record and taking into account the orders passed by this Court dated 15.03.2020 adverted to above in respect of the co-accused, this court is of the considered opinion that further continuance of the petitioner in custody is not warranted and it is thus directed that he shall be released on bail.

10. Terms to be fixed by the learned Court in seisin of the matter.

11. Additionally the petitioner is directed to deposit a sum of Rs.64 lakhs in terms of his memorandum filed today in Court. The payment schedule of the said memorandum is extracted hereunder:-

Proposed payment due date (in 2022)	Installment amount (INR)
a. 15 th of April	10,00,000/-
b. 15 th of May	10,00,000/-
c. 15 th of June	10,00,000/-
d. 15 th of July	10,00,000/-
e. 15 th of August	10,00,000/-
f. 15 th of September	14,00,000/-
TOTAL	64,00,000/-

12. It is needless to state, breach in payment of any of the installments as stated above would entail cancellation of the bail.

13. Accordingly, the BLAPL is disposed of.

14. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Santoshi

