

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2529 of 2022

Chandan Akash Mohanty

....

Petitioner

Mr. G.R.Mohanty,
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P. Tripathy
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

11.4.2022.

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. This is a successive bail application filed by the Petitioner. His earlier bail application being rejected by this Court vide order dated 22nd February, 2022 in BLAPL No.10778/2021. In the said order liberty was granted to the Petitioner to renew his prayer after submission of charge sheet. It is submitted that in the mean time charge sheet has been submitted.

4. The Petitioner is in custody since 18th November, 2021 in connection with Bhubaneswar P.S. Case No.13/2021 corresponding to C.T. Case No.5727/ 2021 pending in the court of learned S.D.J.M., Bhubaneswar for the alleged commission of the offence under Sections 419/420/467/468/471/120-B of the I.P.C.

5. Though the allegation made by the informant is that the Petitioner had impersonated as authorized signatory of ITDC and managed to execute an agreement with the husband of the informant pursuant to which he has deposited Rs.20 lakhs initially and Rs.30 lakhs subsequently. It is submitted by Sri G.R. Mohanty that while there is clear proof of remittance of Rs.20 lakhs to the account of the ITDC, there is absolutely no proof or any material to show that Rs.30 lakhs was paid by the husband of the informant. That apart, investigation has not revealed that any amount has been transferred to the Petitioner's account.

6. Mr. P.Tripathy, while opposing the prayer for bail, has submitted that though investigation is complete, yet the Petitioner, being a habitual offender, may try to gain over or influence the witnesses in the case.

7. Considering the rival submissions as above as also the fact that there is no evidence of any amount being transferred to the account of the Petitioner, taking into account the period of his detention in custody and the factum of submission of charge

sheet in the mean time, I find no justified reason to order his detention any further. The prayer for bail is, therefore, allowed.

8. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case on the following conditions:-.

(i) He shall furnish cash security of Rs.5,00,000/- (Rupees Five Lakhs) in the shape of short term fixed deposit in any Nationalized Bank.

(ii) He shall appear before the court in seisin over the matter on each date of posting of the case; and

(iii) He shall not leave the territorial jurisdiction of the court in seisin over the matter without seeking leave of such court.

9. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

