

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3348 of 2022

Pradeep Kumar Dash

....

Petitioner

Mr. S. Mahapatra, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. J.P. Patra, Counsel(OPID)

CORAM:

JUSTICE G. SATAPATHY

ORDER

29.11.2022

Order No.

- 09.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with C.I.D. P.S. Case No.27 of 2012 corresponding to G.R. Case No.52 of 2013 arising out of Barpali P.S. Case No.06 of 2013 pending in the Court of learned Special Judge, Designated Court under OPID Act, Sambalpur for commission of offence punishable U/Ss.420/467/468/471/406/506/294/120-B of the I.P.C. read with Section 4/5/6 of the Prize Chits and Money Circulation Schemes (Banning) Act and Section 6 of the Odisha Protection of Interests of Depositors (In Financial Establishments) Act, on the allegation of cheating the innocent depositors for huge amount of money to the tune of Rs.2.61 Crores.
 3. In the course of hearing of the bail application, Mr. S. Mahapatra, learned counsel for the petitioner submits that the

petitioner has been detained in custody since last more than eight years, but trial is yet to commence and the principal accused has been granted bail by this Court in the year 2017 in BLAPL No.6392 of 2017 and, the petitioner, therefore, may kindly be released on bail. While submitting so, learned counsel for the petitioner also submits that the petitioner is ready and willing to deposit some cash surety, but that should not be excessive one and it should be within the limit of Rs.1,00,000/- (One Lakh). On the aforesaid submissions, learned counsel for the petitioner prays to release the petitioner on bail.

4. On the contrary, Mr. J.P. Patra, learned counsel for the State-OPID, however, strongly opposes the bail application of the petitioner and he, *inter-alia*, submits that around more than 5,000 (Five Thousand) innocent depositors have been duped with huge amount of money and the petitioner is one of the director of the company and, thereby, his liability is co-extensive with the principal accused for which the bail application of the petitioner shall be rejected. On alternatively, learned counsel for the State-OPID submits that if the petitioner would be released on bail by taking into consideration the principle of parity, then the petitioner be directed to deposit a cash surety of Rs.10,00,000/- (Ten Lakhs).

5. Considering the rival submissions made, nature and gravity of accusations, admitted pre trial detention of the petitioner for more than eight years, but the trial is yet to commence and regard being had to the release of co-accused on bail, this Court, however, considers the bail application of the petitioner affirmatively.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing without prejudice a cash

surety of Rs.2,00,000/- (Rupees Two Lakhs) in the form of fixed deposit/SDTR in any Nationalized Bank, which shall not be released without prior permission of the learned trial Court, in addition to bail bonds of Rs.2,00,000/- (Rupees Two Lakhs) with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case with further conditions that the petitioner shall not leave the jurisdiction of the learned trial Court without prior permission till conclusion of trial and the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with. It is also made clear that the benefit of this order shall not be extended to the petitioner, if he fails to deposit the aforesaid amount of Rs.2,00,000/- (Rupees Two Lakhs) as a condition for grant of bail.

It is clarified that the Court in seisin of the case is at liberty to cancel the bail of the petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.
8. Urgent certified copy of the order be granted on proper application.

(G. Satapathy)
Judge