

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3350 of 2022

Kandarpa Nayak **Petitioner**

Mr.G.K. Mohanty, Advocate

-versus-

State of Odisha **Opp. Party**

*Mrs.Susamarani Sahoo,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

ORDER

15.07.2022

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 439 of Cr.P.C. in connection with Angul P.S. Case No.305 of 2020 corresponding to G.R. Case No.464 of 2020 pending in the Court of learned Chief Judicial Magistrate, Angul for offence punishable under section 409 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Sessions Judge, Angul, which was rejected on 12.04.2022.

Learned counsel for the petitioner submitted that the petitioner Kandarpa Nayak is in judicial

custody since 18.06.2020 and when he approached this Court for bail in BLAPL No.9113 of 2020, as per order dated 05.03.2021, he was directed to be released on bail with the following conditions:

- (i) the petitioner shall give an undertaking to the effect that he shall deposit the balance amount of Rs.3,38,700/- (three lakhs thirty eight thousand seven hundred), in four installments, i.e. the first installment of Rs.1,00,000/- (one lakh) by end of April 2021, 2nd installment of Rs.1,00,000/- (one lakh) by end of May 2021, 3rd installment of Rs.1,00,000/- (one lakh) by end of June 2021 and the last installment of Rs.38,700/- (thirty eight thousand seven hundred) by end of July 2021.
- (ii) the petitioner shall not try to come in contact with any of the prosecution witnesses or tamper with the prosecution evidence;
- (iii) the petitioner shall appear before the learned trial Court on each date to which the case would be posted for trial;

Learned counsel for the petitioner further submitted that pursuant to the aforesaid order dated 05.03.2021 the petitioner deposited a sum of Rs.1,00,000/- (rupees one lakh) in the account of BDO, Angul in ICICI Bank on dated 29.04.2021. It is further contended that though the petitioner was liable to deposit another sum of Rs.1,00,000/- (rupees one lakh) towards second installment by the end of May 2021, third installment of Rs.1,00,000/- by the end of June 2021 and the last instalment of

Rs.38,7000/- by the end of July 2021, the petitioner could not arrange the money in time and deposited a sum of Rs.40,000/- (rupees forty thousand) on 31.05.2021, a sum of Rs.1,00,000/- (rupees one lakh) on 08.09.2021 and the balance amount of Rs.98,700/- (rupees ninety eight thousand seven hundred) on 23.09.2021 in the name of BDO, Angul in his account in ICICI Bank, Angul and as such, the petitioner has deposited the balance amount of Rs.3,38,700/- (rupees three lakhs thirty eight seven hundred) by the end of September 2021 instead of July 2021 as per the order of this Court dated 03.05.2021. It is further contended by the learned counsel for the petitioner that since the petitioner could not deposit the installments in time, as per the order of this Court, he has been taken to judicial custody on 05.04.2022. Learned counsel further submitted that since the petitioner has already deposited the amount of Rs.3,38,700/-(rupees three lakhs thirty eight seven hundred) as was directed by order dated 05.03.2021, he may be granted bail.

Learned counsel for the State has no serious objection.

Considering the submissions made by the learned counsel for the respective parties, since the petitioner has already deposited the amount as per the order of this Court dated 05.03.2021 and taking into account the period of detention of the petitioner

in judicial custody, I am inclined to release the petitioner on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge



PKSahoo