

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3722 of 2022

Amit Agrawal

.... Petitioner

Mr.Devashis Panda, Advocate

-versus-

Union of India (CBI)

.... Opp.Party

Mr.Sarthak Nayak

Special Public Prosecutor

CORAM:

JUSTICE S.K. SAHOO

ORDER

21.03.2023

I.A. No. 453 of 2023

Order No.

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

Heard Mr. D.Panda, learned counsel for the petitioner and Mr. Sarthak Nayak, learned Special Public Prosecutor for the C.B.I.

This is an application for extension of the interim bail as was granted vide order dated 22.11.2022.

Mr. D.Panda, learned counsel for the petitioner submitted that challenging the order dated 22.11.2022, the petitioner approached the Hon'ble Supreme Court of India in Special Leave to Appeal (Criminal) No. 2782 of 2023 on the ground that instead of interim bail, the petitioner should have been granted regular bail. However, permission was sought for during course of argument to withdraw the Special Leave Petition with

liberty to approach this Court seeking such relief including extension of bail and accordingly, the said Special Leave Petition was disposed of as withdrawn. Mr.Panda pointing out from the order sheet of the learned trial Court, submitted that on 30.11.2022, the learned trial Court found that the 161 Cr.P.C. statements of the witnesses are not available in the case record and the learned counsel for the C.B.I. submitted that the original 161 Cr.P.C. statements are at Calcutta office and he has written one letter to procure such statements and therefore, the learned trial Court was not able to record the evidence of the witnesses in absence of the statements recorded under section 161 Cr.P.C. and the prosecution was directed to produce the 161 Cr.P.C. statements of all the charge sheeted witnesses prior to entering the witnesses into the dock and the date was fixed to 09.01.2023 for production of the original statements under section 161 Cr.P.C. and the matter was again adjourned to 08.02.2023 and then to 04.03.2023 for such purpose, but the prosecution has failed to produce the original statements of the witnesses recorded under section 161 Cr.P.C. and now, the case is posted to 27.03.2023 for the same purpose.

Mr. Sarthak Nayak, learned Special Public Prosecutor for the C.B.I. submitted that he has instructed the concerned Investigating agency to produce the original 161 Cr.P.C. statements as per the order of the learned trial Court within a period of two weeks and

thereafter, the prosecution will produce the witnesses for examination.

Since C.B.I has not come forward with any case that during the interim bail period, there was any kind of mis-utilization of liberty by the petitioner, I am inclined to extend the interim bail order dated 22.11.2022 for a further period of two months. If the prosecution produces the 161 Cr.P.C. statements of the witnesses and date is fixed for recording the evidence, the petitioner shall appear before the learned trial Court during the interim bail period.

The I.A. is accordingly disposed of.

Issue urgent certified copy as per Rules.

The order be communicated to the learned trial Court forthwith.

A copy of the order be handed over to Mr. Sarthak Nayak, learned Special Public Prosecutor for the C.B.I.

ORISSA

(**S.K. Sahoo**)
Judge

PKSahoo