

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 3730 OF 2022

Susanta Behera

..... ***Petitioner***
Mr.S.R.Mulia, Adv.

-versus-

State of Odisha

..... ***Opposite Party***
Mr. P.K.Maharaj, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
11.08.2022

Order No.
03.

1. This matter is taken up through Hybrid Mode.
2. Mr. Sanjaya Kumar Parida, is engaged as counsel for the petitioner and names of Mr. S.R.Mulia and associate be deleted as per the communication from the Jail at Flag-B.
3. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
4. The Petitioner is an accused in connection with G.R. Case No.252 of 2022 arising out of Cyber Crime & E.O. P.S., Cuttack P.S. Case No. o7 of 2022 pending on the file of learned J.M.F.C. (C), Cuttack, registered for the alleged commission of offence under Sections 419/420/467/468/471/120-B/34 of the I.P.C.
5. Being aggrieved by the rejection of his application for bail U/s 439 Cr.P.C. by the learned Addl. Sessions Judge-cum-Special Judge (Vigilance), Cuttack by order dated 25.04.2022, the present BLAPL has been filed. The petitioner is stated to be in custody since 17.03.2022.

5. It is submitted that co-accused who was working as Manager of JIO Company at Balasore, against whom accusation has been made of selling of pre-activated Sims to the members of a fraud group, namely, JAMTARA and DEOGARH operating from the State of Jharkhand and Bihar, has been released on bail by order date 04.07.2022 in BLAPL No. 3667 of 2022.

6. It is submitted that the complicity of the petitioner is of a lesser degree. Hence, inter alia on the ground of parity, learned counsel for the petitioner seeks release.

7. Learned counsel for the State opposes the prayer for bail inter alia that the ground of parity cannot be resorted to in the case of this nature.

8. Taking into account the release of the co-accused as referred to above and the role ascribed to the petitioner, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned court in seisin over the matter.

09. Additionally, it is directed that the petitioner shall furnish cash security to the tune of Rs.1,00,000/-(Rupees one lakh) which shall be kept in shape of short term interest bearing account in any nationalized bank, pledged to court in seisin over the matter and shall abide by the result of the case at hand.

10. Accordingly, the BLAPL stands disposed of.

11. Issue urgent certified copy of this order as per Rules.

(V.Narasingh)
Judge

Dhal