

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4081 of 2021

Saroj Kumar Dash

....

Petitioner

Mr.D.P.Dhal, Sr.Advocate, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

23.08.2022

Order No.

09.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel for the State.
3. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Basudevpur P.S.Case No.155 of 2017 corresponding to G.R.Case No.307 of 2017 pending in the Court of the learned J.M.F.C., Basudevpur for alleged commission of offence under Sections 467, 468,471,420, 120-B of the Indian Penal Code read with Section 4,5 & 6 of Prize Chits and Money Circulation (Banning Act) 1978.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 05.05.2021. Further, it is submitted by the learned counsel for the Petitioner that Charge Sheet has been filed in the meantime indicating the name of the present Petitioner along with other persons. So far as the present Petitioner is concerned, it is submitted by the learned counsel for the Petitioner

that he was never an agent of the Company and working under the Company and was collecting money from the public. He further submits that he obtained information from the Registrar of Companies Form 32 which reveals that the Petitioner is not a Director of the Company. However, there are other persons named as Director of the Company, who have not yet been apprehended by the Police in connection with the present case. Mr.Dhal, learned senior Counsel further submits that the petitioner is a poor man of the locality and he is to look after his family. He further submits that the Petitioner undertakes to appear before the I.O. as and when required and appear before the trial court on each and every date fixed.

5. Learned Additional Standing Counsel on the other hand submits that prima facie materials have been collected against the petitioner. Accordingly Charge Sheet has been filed against the Petitioner. Considering the quantum of money involved in the alleged financial scam, learned Additional Standing Counsel further submits that the Petitioner should not be enlarged on bail at the moment as the same would affect adversely. He further submits that there are other Directors of the Company who are involved in the crime. In such view of the matter he prays for rejection of the prayer for bail of the Petitioner.

6. Having heard learned counsel for the parties and taking into consideration the materials placed on record, particularly at the instance of the Petitioner along with the I.O., it appears that the Petitioner was not a Director, rather he was an employee/agent of the Company and was collecting money on behalf of the Company. Further, this Court observes that although F.I.R. was registered in the year 2017, no step has been taken to arrest the prime accused, who are the Directors of the Company and fled away with money. It is

also seen that the Petitioner is in custody since 05.05.2021 and Charge Sheet has been filed in the meantime. Therefore, no further custodial interrogation is necessary. The present case is in the nature of economic offence and the case is entirely based on documentary evidence. Further the trial may not take place in near future. Considering such submission, it is directed that the Petitioner be released on bail subject to furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the court in seisin over the matter. Subject to other terms and conditions while imposing condition, learned court shall impose a condition whereby the Petitioner shall cooperate with the trial and shall appear before the trial court on each and every date fixed. The Petitioner while on bail shall appear before the concerned P.S. once in a week preferably on Sunday between 10 A.M. to 1 P.M., shall not tamper with the prosecution evidence and shall not threaten the prosecution witnesses. Violation of any conditions shall entail cancellation of bail.5.

7. BLAPL is accordingly disposed of.
8. Issue urgent certified copy as per Rules.

RKS

(A.K. Mohapatra)
Judge