

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4557 of 2022

Bijaya Kumar Pradhan and others* *Petitioners

Mr. J. Sahu, Sr. Advocate

-versus-

State of Odisha

Opposite Party

....
Mr.P.K.Patra,
Addl. Standing Counsel(OPID)

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
05.7.2022.

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
3. The Petitioners are in custody since 4th May, 2022 in connection with Jagannath Prasad P.S. Case No.62/2014 corresponding to G.R. Case No.18/2019 pending in the court of learned Presiding Officer, Designated under OPID Court, Berhampur, for the alleged commission of the offence under Sections 420/34 of I.P.C. and Sections 4/5/6 of PCMCS (Banning) Act and Section 6 of OPID Act.

4. The prosecution case is that one Banamali Mohanty lodged F.I.R. on 9th May, 2014 before Jagannath Prasad P.S. alleging therein that the officials of a company namely, Green India Multi State Credit Cooperative Society collected money from local public to the tune of Rs.10 crores on the false pretext of giving higher returns, but the money was actually misappropriated by them and when the depositors wanted their money back, the employees of the Company including the present Petitioners abused them in obscene language and also threatened to kill them. Since none of the depositors had got back their money, the F.I.R. was lodged by the said Banamali Mohanty. In course of investigation one Pradeep Kumar Singh, who is the Managing Director of the said company, and one Sunil Panda, a Director of the Company, were arrested but have since been released on bail. The said Pradeep Kumar Singh was released on bail as per order passed by this Court in BLAPL No.3827/2021.

5. It is submitted by Mr. J. Sahu, learned Senior counsel appearing for the Petitioner that the complaint has been lodged on general terms without specifying as to what amount was actually collected from whom including the complainant himself. That part, investigation has been completed and charge sheet submitted. Even though the Petitioners were present locally, they were not arrested but deliberately shown as absconders.

6. Mr. J.P.Patra, learned Addl. Standing Counsel appearing for the OPID has opposed the prayer for bail by submitting that preliminary charge sheet has been submitted keeping the investigation open. Further, investigation is going on and, therefore, the Petitioners should not be released on bail. He further submits that in so far as the informant is concerned, there is prima facie material to show that he had deposited Rs.5,00,000/-(Rupees five lakhs), which is yet to be repaid.

7. I have considered the rival submissions and have gone through the materials on record carefully. Firstly, it is not understood as to what prevented the investigating agencies to conclude the investigation which commenced in the year 2014. That apart, such further investigation does not appear to have brought out any further incriminating material against the present Petitioners save and except those that are already on record. Be that as it may, the Managing Director and Director of the Company have already been released on bail. There is nothing to show that the Petitioners stand on a different footing than them.

8. Considering all the above facts, I am inclined to allow the prayer for bail. Let the Petitioners be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that they shall appear personally before the trial court on each date of posting of the case and in case of even a single default,

necessary orders shall be passed by the court to take them to custody again. Further, they shall furnish property security of Rs.10,00,000/-(Rupees ten lakhs) each.

9. The BLAPL is disposed of.

10. Urgent certified copy of this order be granted on proper application.

AKB



(Sashikanta Mishra)
Judge