

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4615 of 2022

**Rakesh Kumar Girijashankar
Pandey**

....

Petitioner

Mr. P. Acharya, Sr. Advocate
with Mr. S. Rath, Adv.

-Versus -

State of Odisha

....

Opposite Party

Mr. P. Tripathy,
Addl. Standing Counsel
Mr. N.K. Sahu, Adv. (for informant)

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
09.09.2022

Order No.
04.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is in custody since 26.03.2022 in connection with Economic Offence Wing P.S. Case No.3 of 2022 corresponding to C.T. Case No.1282 of 2022 of the Court of learned S.D.J.M., Bhubaneswar for the alleged commission of offence under Sections 406/420/467/468/471 of IPC.
4. It is alleged that as per an F.I.R. lodged by one Ashok Kumar Singh, the petitioner represented to him that he would arrange finance for him worth Rs.100 crores at a commission of Rs.2 crores. Being thus influenced, the informant- Ashok Kumar Singh went to Mumbai on 6th September, 2021 and on his instruction, his business partner namely, Kailash Jaiswal is said to have handed over cash of Rs.2 crores to Sorman Singh Tomar, who was

working in the capacity of a middle man. Subsequently, it came to light that the said Sorman Singh Tomar had given away the amount to the petitioner, Sunil Mehta and Aarif.

5. Mr. P. Acharya, learned Sr. Counsel appearing for the petitioner has submitted that except for the bald allegation that a sum of Rs.2 crores was paid to Sorman Singh Tomar for the purpose of being transmitted to the petitioner as per prior agreement referred in the previous paragraph, there is no acceptable evidence to show as to if such amount was actually paid to the petitioner by the said Sorman Singh Tomar. It is further submitted that charge sheet has been submitted in the meantime and the petitioner has spent more than five months in custody by now.

6. On the other hand, Mr. N.K. Sahu, learned counsel appearing for the informant has vehemently opposed the prayer for bail by submitting that the petitioner is a habitual offender having series of cases of similar nature against him all over the country. He further submits that the petitioner is running a crime syndicate by duping several gullible persons like the informant and because of such act, the informant has been put to loss of Rs.2 crores.

7. Mr. P. Tripathy, learned State Counsel has also opposed the prayer for bail by submitting that given the criminal background and antecedents of the petitioner, it is likely that he may commit the same crime again, if released.

8. I have considered the rival submissions and have gone through the materials on record carefully. As it appears, one

Sorman Singh Tomar is said to have received an amount of Rs.2 crores paid by one Kailah Jaiswal at the behest of the petitioner. There is prima facie, no acceptable evidence to show that such amount was in fact paid to the petitioner in cash or transmitted to his bank account. The said Sorman Singh Tomar has, in the meantime been released on bail as per order passed by this Court in BLAPL number 5124 of 2022. Charge sheet has already been submitted. The petitioner has spent more than five months in custody by now. Therefore, there is no justified reason to direct his continued detention. However, looking at his criminal antecedents, he can be released on bail by imposing stringent conditions.

9. Considering the above facts and the materials on record, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the following conditions:

- (i) He shall furnish cash security of Rs.15,00,000/- (Rupees Fifteen Lakhs) in the shape of short term fixed deposit in any nationalized bank being pledged to the Court below.
- (ii) He shall surrender his passport before the court.
- (iii) He shall not leave the territorial jurisdiction of the Court without obtaining leave and in case leave is granted, the petitioner shall furnish current address and mobile number to the court below and to the I.O.
- (iv) He shall appear before the court below on each

date of posing of the case personally and in case of even a single default, necessary orders shall be passed by the court to take him to custody again.

10. The BLAPL is accordingly disposed of.

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

(Sashikanta Mishra)
Judge

A.K. Rana

