

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4660 of 2022

Pritish Pattnayak

.... ***Petitioner***
M/s. B.Jalli, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.P.K.Patnaik, AGA
Mr.A.Sahoo, Advocate
for informant
Mr.S.Mohanty, Sr. Advocate
for intervenors

CORAM:

JUSTICE G. SATAPATHY

ORDER

08.12.2022

Order No.

- 09.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Madhupatna P.S. Case No.20 of 2022 corresponding to G.R. Case No.89 of 2022 pending in the Court of learned J.M.F.C.(City), Cuttack for commission of offence punishable U/Ss. 420/294/341/323/506/34 of the I.P.C. on the allegation of cheating the informant to the tune of Rs.58,78,000/- through bank transactions.
 3. In the course of hearing of the bail application, Mr.B.Jalli, learned counsel for the petitioner submits that the petitioner is ready and willing to deposit Rs.5,00,000/- as cash surety and rest of the amount of Rs.54,00,000/- as property surety free from all encumbrances for his release on bail.
 4. Mr.P.K.Patnaik, learned Addl. Government Advocate submits on instruction that the alleged liability of the petitioner is to the tune of Rs.58,78,000/- and therefore, in case the petitioner is granted bail, he may be asked to furnish sufficient property surety.
 5. Mr.A.Sahoo, learned counsel for the informant submits that the

informant has already been paid with Rs.3,00,000/- by the petitioner and in case the petitioner is being granted bail, he may be asked to furnish cash surety as well as sufficient property surety free from all encumbrances.

6. Mr.S.Mohanty, learned Senior Counsel appearing for the intervenors submits that the intervenors are the friends of the petitioner and they have given some friendly loan to the petitioner and therefore, the intervenors have no objection, if the petitioner is asked to furnish cash surety of Rs.5,00,000/- and property surety of Rs.54,00,000/- free from all encumbrances and the petitioner shall make all endeavour to return the money taken from the intervenors and the informant.

7. In view of the aforesaid submissions and prayer made by the parties and taking into consideration the nature of allegations raised against the petitioner so also the offences alleged against the petitioner and keeping in view the other circumstance on record including the pre-trial detention of the petitioner since 27.04.2022 and all the offences alleged against the petitioner being triable by Magistrate First Class and taking into account the conduct of the petitioner in surrendering to custody after availing the interim bail vis-à-vis the willingness of the petitioner to furnish sufficient cash and property surety for his release on bail, this Court allows the bail application of the petitioner.

8. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing without prejudice a cash surety of Rs.5,00,000/- (Rupees Five Lakhs) in the form of fixed deposit/SDTR in any Nationalised Bank, which shall not be released without prior permission of the learned trial Court in addition to property surety of Rs.54,00,000/- (Rupees Fifty Four Lakhs) which shall be free from all encumbrances with further conditions as deem fit and proper by the Court in seisin of the case with further conditions that the petitioner shall not leave the jurisdiction of the learned trial Court without prior permission till conclusion of trial and the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with and that

the petitioner shall report attendance before the jurisdictional Police Station once in a fortnight preferably on second Saturday of every month in between 10 A.M. to 12 Noon for three months. The I.I.C. of jurisdictional Police Station shall not detain the petitioner unnecessarily after recording his attendance beyond the time as stipulated.

It is clarified that the leaned trial Court will be at liberty to cancel the bail of the petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

It is also made clear that the benefit of this order shall not be extended to the petitioner if he fails to deposit the aforesaid amount of Rs.5,00,000/- (Rupees Five Lakhs) as cash surety and Rs.54,00,000/- (Rupees Fifty Four Lakhs) as property surety free from all encumbrances as submitted by the parties as condition for grant of bail.

9. Accordingly, the BLAPL stands disposed of.
10. Urgent certified copy of the order be granted on proper application.

Kishore

(G. Satapathy)
Judge