IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.6185 OF 2022

Raman Kumar @ Raman Kumar Singh .... ***Petitioner***

Mr.S.C.Mohapatra, Advocate

-versus-

State of Odisha .... ***Opposite Party***

Mr. Samaresh Jena, ASC.

CORAM:
MR. JUSTICE D.DASH

ORDER
28.11.2022

Order No.	
04.	1. This matter is taken up through hybrid arrangement (virtual/physical) mode. 2. The Petitioner by filing this application under section 438 Cr.P.C. has prayed for grant of bail in the event of his arrest in connection with E.O.W, Bhubaneswar P.S. Case No.14 of 2016 corresponding to G.R. Case No.08 of 2016 for alleged commission of offence under section- 420/406/120-B of the IPC & read with Section-6 of OPID Act, pending on the file of P.O, OPID Court, Berhampur, Ganjam. 3. Learned Counsel for the Petitioner submits that this Petitioner though was the founding Director of the company i.e. Success Online Service System Pvt. Ltd. (SOSS), he had resigned from that directorship on 23.10.2010 and it had been duly accepted by the Registrar of Companies. He further submitted that for the said resignation, the Petitioner having taken no further

interest in respect of any activity of the said Company, he has nothing to do with the allegations leveled against all others who are associated with the Company in collection of deposits from different persons which they say to have been obtained by alluring them with high returns and giving other such tall promises. He further submits that the person who was in charge of the affairs of the Company in Orissa has in the meantime been arrested and is in custody. He, therefore, urges for grant of anticipatory bail of the Petitioner.

4. Mr.A.K.Nayak, learned counsel for the State in OPID cases opposes the move. According to him, this resignation of the Petitioner from the directorship of the Company which is projected as the main ground to say that the Petitioner was not involved in any such activity of the Company is with a view to wriggle out of the legal process for such illegal activities of the Company and it was pre-planned action. He further submits that such a plea has now become archaic. According to him in so far as this Petitioner is concerned, materials have been connected that he had signed on some relating to the activity of the Company even after his resignation which runs to falsify his version as to his non-involvement. It is submitted that so far the investigating agency has been able to ascertain that a sum of Rs.1,44,41,000/- have been collected from different persons as deposits from the State of Orissa by alluring them with high returns and those innocent depositors have been deprived of their hard earned money being the victims of the clandestine activity carried out by the Company of which this Petitioner was all along an integral

part. He submitted that in the facts and circumstances, the Petitioner's custodial interrogation is absolutely necessary to unearth more other materials in relation to the case.

5. Considering the submissions made and on going through the materials on record, indicating this Petitioner as to his involvement in commission of economic offence of significant magnitude, when his custodial interrogation also would stand as the need for fair investigation; I do not find it to be a fit case for grant of anticipatory bail to the Petitioner. However, it is observed that in the event, occasion would so arise before the learned Court in seisin of the case for consideration of the prayer for grant of regular bail of the Petitioner, the same shall be decided on its own merit; further taking into account all such developments by then in their proper perspective and disposed of early in accordance with law without being influenced by this order.

6. The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

(D. Dash),
Judge.

Gitanajali