

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5085 of 2022

Akshya Kumar Nayak

....

Petitioner

*Mr.D. Panda,
Advocate*

-Versus -

State of Odisha

....

Opposite Party

*Mr. S.K. Mishra,
Additional Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

**ORDER
23.09.2022**

BLAPL No. 5085 and 5101 of 2022

Order No.

4.

1. These matters are taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. Both the petitioners are in custody in connection with Cyber Case P.S. Sambalpur Case No. 21 of 2022 corresponding to G.R. Case No. 1519 of 2022 pending in the court of learned S.D.J.M., Sambalpur for the alleged commission of offence under 120-B/419/420/467/468/ of IPC read with Sections 66 (C)/66 (D) of ITA Act.
4. The allegation as reveal from the FIR is that utilizing the PAN card and the Aadhaar card of the informant, a bank account was opened in his bank in Urban Co-Operative Bank, Rourkela without his knowledge and the said account was utilized for transaction to the tune of nearly Rs.30 crore. It is alleged that such

transactions were made only with the intent of evading Income Tax as well as GST. From the materials on record, it appears that no personal loss was caused to the informant in the process save and except the fact he was called upon by the Income Tax authorities and GST authorities to explain such huge transactions involving his account. In the meantime, charge sheet has been submitted. Both the petitioners appear to be residents of Rourkela. Therefore, I find no justified reason to detain them in custody any longer. The bail application is therefore allowed. Let the petitioners 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) They shall personally appear before the trial court on each date of posting of the case without fail.
 - (ii) They shall surrender their passport, if any, in the Court.
5. The BLAPLs are accordingly disposed of.
 6. Urgent certified copy of this order be granted on proper application.

(Sashikanta Mishra)
Judge

BC Tudu

