

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5124 of 2022

Sorman Singh Tomar

....

Petitioner

Ms. Padmalaya Mohapatra
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.P. Tripathy,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
23.8.2022.

Order No.

03.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 26th March, 2022, in connection with EOW P.S. Case No.03/2022 corresponding to C.T .Case No.1282/2022 pending in the court of learned S.D.J.M., Bhubaneswar for the alleged commission of the offence under Sections 420/120-B/406/467/468/471 of the I.P.C.

4. It is alleged that as per an F.I.R. lodged by one Ashok Kumar Singh, one Rakesh Pandey 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 Petitioner 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 the present Petitioner who was working in the capacity of a middle man. Subsequently, it came to light that the Petitioner had given away the amount to Rakesh Pandey, Sunil Mehta and Arjun. As it appears, except for the handwritten receipt supposedly given by the Petitioner to the said Kailash Jaiswal, there is no other direct or indirect evidence to show his complicity in the alleged occurrence. In any case, the amount of Rs.2 crores allegedly received by the Petitioner was meant to be paid to Rakesh Pandey, who influenced the informant to make such payment.

5. In such view of the matter and particularly in the absence of any acceptable evidence to show that the Petitioner was financially benefited personally in the transaction as also the fact that he is in custody since 26.3.2022, his further detention in custody seems unjustified. Further, charge sheet has also been submitted.

6. Considering the above facts, I am inclined to allow the prayer for bail. Let the Petitioner 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 he 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 him to custody again. Further, he shall furnish cash security of Rs.5,00,000/-(Rupees five lakhs) in the shape of short term fixed deposit in any nationalised Bank being pledged to the Court below. He shall surrender his passport before the court below. He shall not leave the territorial jurisdiction of the court below without obtaining leave and in case leave is granted, the Petitioner shall furnish his current address and mobile number to the court below and the I.O.

7. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge