

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5193 of 2022

Himanshu Bhandari

.... ***Petitioner***
Mr. A. Mishra, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
Mr. S.S. Pradhan, AGA

CORAM:
JUSTICE G. SATAPATHY

ORDER
09.12.2022

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 E.O.W. Bhubaneswar P.S. Case No.02 of 2022 corresponding to G.R. Case No.125 of 2022 pending in the Court of learned J.M.F.C., Barbil for commission of offences punishable under Sections 419/420/465/467/468/471/170/120-B of IPC read with Section 66(C)/66(D) of I.T. Act, on the allegation of cheating the informant and his wife for a sum of Rs.2,40,59,896/- (Rupees Two Crores Forty Lakhs Fifty Nine Thousand and Eight Hundred Ninety Six).
 3. In the course of hearing of the bail application, Mr. A. Mishra, learned counsel for the petitioner submits that the petitioner is ready and willing to return the amount to the informant and around

Rs.63,00,000/- (Rupees Sixty Three Lakhs) has been transferred to the account of the present petitioner, but at present situation, the petitioner is not in a position to return the aforesaid amount to the informant and, thereby, the petitioner may kindly be granted bail by taking appropriate surety, so that he can arrange the money to return it to the informant. It is also submitted by him that the petitioner cannot furnish cash surety or property surety. On the aforesaid submissions, learned counsel for the petitioner prays to release the petitioner on bail.

4. On the contrary, Mr. S.S. Pradhan, learned A.G.A. submits that the petitioner has defrauded the informant with a sum of Rs.2,40,59,896/-(Rupees Two Crores Forty Lakhs Fifty Nine Thousand and Eight Hundred Ninety Six) and, thereby, the petitioner shall not be released on bail and, if he is released on bail, there is every likelihood that the petitioner would abscond.

5. Considering the rival submissions made, taking into consideration the nature and gravity of accusations raised against the petitioner as also the specific allegation of cheating the informant with huge amount of money in Crores and law being equally well settled that in economic offence, the prayer for bail of such person needs to be considered on strict parameters and taking into consideration the fact that the trial has already commenced as submitted by the learned A.G.A, this Court is not inclined to grant bail to the petitioner.

6. Hence, the prayer for bail of the petitioner stands rejected. Trial be expedited as submitted by learned counsel for the petitioner.

7. Accordingly, the BLAPL stands disposed of.
8. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

Subhasmita

