

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5280 of 2022

Rinku @ Ajay Kumar Ram

....

Petitioner

Mr. P.R. Singh, Advocate

-Versus -

State of Odisha

....

Opposite Party

Mr. S. Mishra,
Additional Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

06.07.2022

Order No.

3.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is in custody since 18.03.2022 in connection with Rugudi P.S. Case No. 13 of 2022 corresponding to G.R. Case No. 129 of 2022 pending in the court of learned J.M.F.C., Barbil for the alleged commission of offence under Sections 407/409/420/120-B of IPC.
4. It is alleged that a Truck loaded with iron ore was transported from M/s Sree Metalicks by Aditya Road Carrier and it was supposed to be delivered to M/s Steel Enterprises-300 in the State of Punjab. However, the driver and owner of the Truck and another person took the vehicle and handed over the same to the present petitioner, who took the vehicle to the State of Jharkhand and returned after disposing of the consignment. Thereafter, he is said to have paid substantial amount of money to the driver, who had handed over the truck to him.
5. It is submitted that except for the so called confessional statement of the co-accused, there is no other material to show the complicity of the petitioner in the occurrence.

6. Learned State Counsel has opposed the prayer for bail and submitted that the consignment was worth Rs. 12,25,044/- and the entire amount must be deemed to have been stolen and appropriated by the petitioner and his associates.

7. I have considered the submissions as above and have gone through the materials on record carefully. As it appears, except for the confessional statement of the co-accused namely, Surendra Yadav, there is no independent material to show complicity of the petitioner in the alleged occurrence.

8. In view of the above fact as also taking into account the period of detention of the petitioner in custody and the fact that charge sheet has already been submitted, I am inclined to allow the prayer for bail. Let the petitioner 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 condition that he shall furnish cash security of Rs. 50,000/- (Rupees fifty thousand) in the shape of short-term fixed deposit in any Nationalized Bank being pledged to the Court. Learned court below shall insist upon two local sureties, one of whom must be close blood relation and other must be belong to the district of Keonjhar, for such amount as may be determined by it. Further, he shall personally appear before the trial Court on each date of posting of the case without fail and in case of even a single default, necessary orders shall be passed to take him to custody again.

12. The BLAPL is accordingly disposed of.

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

(Sashikanta Mishra)
Judge

A.K. Rana