

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5409 of 2022

Gobinda Mallik

....

Petitioner

Mr. R.K.Mahanta
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.P.K.Maharaj,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
28.6.2022.

Order No.

01. 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 20th April, 2022 in connection with Dhanupalli P.S. Case No.120/2022 corresponding to G.R. Case No.1504/2022 pending in the court of learned S.D.J.M., Sambalpur for the alleged commission of the offence under Sections 457/380 of I.P.C.

4. The prosecution case is that a sum of Rs.39 lakhs was stolen from the Hotel of which the informant is the cashier. It is submitted that the Petitioner was implicated in the case on the basis of the statement of the principal accused namely, Rakesh @ Dileswar Behera. A perusal of the statement of the said Rakesh @ Dileswar Behera recorded under Section 27 of the Indian Evidence Act would reveal that he was the master mind and the actual perpetrator of the crime while the Petitioner and another had assisted him. It further appears that the entire amount of money stolen from the Hotel was taken away by the said Rakesh @ Dileswar Behera and concealed in his house. A sum of Rs.32,10,000/- was recovered on the basis of his disclosure statement.

5. Considering the submissions as above, the materials on record, the period of detention of the Petitioner in custody and the fact that there is no independent material to show the complicity of the Petitioner in the alleged occurrence, 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 before the trial court on each date of posting of the case, failing which it shall be open to the said court to pass necessary orders to take him to custody again.

6. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

