

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5499 of 2022

Nihar Ranjan Das* *Petitioner

*Mr. Milan Kanungo,
Senior Advocate*

-versus-

State of Odisha* *Opp.Party

*Mr. Debasis Biswal,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
14.10.2022**

Order No.

04. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard Mr. Milan Kanungo, learned Senior Advocate appearing for the petitioner and Mr. Debasis Biswal, learned Additional Standing Counsel for the State of Odisha.

The Investigating Officer, Ms. Sasmita Sahoo, O.P.S., Deputy Superintendent of Police, E.O.W., C.I.D., C.B., Bhubaneswar is present.

This is an application under section 439 of Cr.P.C. in connection with E.O.W. Bhubaneswar P.S. Case No.06 of 2021 corresponding to G.R. Case No.39 of 2021

pending in the Court of learned C.J.M. -cum- Assistant Sessions Judge, Jagatsinghpur for offences punishable under sections 420/409/403/467/468/471/477-A/120-B of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Additional Sessions Judge, Jagatsinghpur which was rejected on 19.04.2022.

In pursuance of the order dated 29.09.2022, Ms. Sasmita Sahoo, O.P.S., Deputy Superintendent of Police, E.O.W., C.I.D., C.B., Bhubaneswar is present and she has filed an affidavit.

Mr. Milan Kanungo, learned Senior Advocate appearing for the petitioner submitted that though the earlier bail application of the petitioner in BLAPL No.6295 of 2021 was rejected as per the order dated 16.11.2021 mainly on the ground that the investigation is under progress and the first charge sheet has been submitted but in the meantime trial has commenced and some witnesses have been examined and investigation in respect of the petitioner is closed. He further submitted that amount of Rs.2,00,000/- (rupees two lakhs) was credited in the account of the petitioner towards the loan account and the same has already been repaid. He further submitted that the entire misappropriation amount has already been secured and the petitioner is a local man and there is no chance of his absconding or

tampering with the evidence and therefore, the bail application of the petitioner may be favourably considered.

The Investigating Officer submitted that the total amount that was credited to the account of the petitioner is Rs.2,75,000/- (rupees two lakhs seventy five thousand) and out of which, Rs.2,00,000/- (rupees two lakhs) has been repaid by the petitioner, but Rs.75,000/- (rupees seventy five thousand) is yet to be paid. However, the Investigating Officer fairly submitted that the entire misappropriation amount has already been secured and further submitted that the petitioner is having no criminal antecedent.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody, absence of any criminal antecedent and the fact that the entire misappropriation amount has been secured and trial has already been commenced, I am inclined to reconsider the prayer for bail and directed the petitioner to be released on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing cash security of Rs.75,000/- (rupees seventy five thousand) and bail bond of Rs.50,000/-(rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of

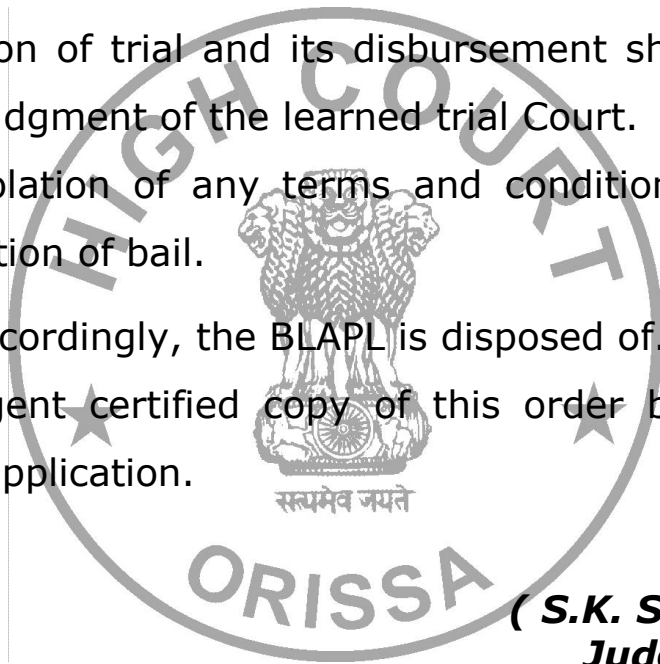
the learned Court in seisin over the matter with further conditions as the learned Court may deem just and proper with further conditions that the petitioner shall appear before the learned trial Court on each date when the case would be posted for trial and shall not indulge in any criminal activities in any manner and shall not try to tamper with the evidence.

The aforesaid amount of cash security shall be kept in any Nationalized Bank in a short-term fixed deposit scheme, which shall be renewed from time to time till the conclusion of trial and its disbursement shall be subject to the judgment of the learned trial Court.

Violation of any terms and conditions shall entail cancellation of bail.

Accordingly, the BLAPL is disposed of.

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



(S.K. Sahoo)
Judge

RKM