

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5229 of 2022,
BLAPL No. 5515 of 2022,
BLAPL No. 6217 of 2022 &
BLAPL No. 6505 of 2022

BLAPL No. 5229 of 2022

Chandan Sahoo

.... **Petitioner**
Mr. Ajaya Nayak, Adv.

- Versus -

State of Odisha

.... **Opposite Party**
Mr. P. Tripathy, Addl. Govt. Advocate

BLAPL No. 5515 of 2022

Bijay Kumar Nayak

.... **Petitioner**
Mr. D. Panda, Adv.

- Versus -

State of Odisha

.... **Opposite Party**
Mr. P. Tripathy, Addl. Govt. Advocate

BLAPL No. 6217 of 2022

Manas Ranjan Dash

.... **Petitioner**
Mr. D. Nayak, Sr. Adv with Mr.
Balaram Nauak, Adv.

- Versus -

State of Odisha

.... **Opposite Party**
Mr. P. Tripathy, Addl. Govt. Advocate

BLAPL No. 6505 of 2022

Tapas Kumar Dash

.... **Petitioner**
Mr. Balaram Nauak, Adv.

- Versus -

State of Odisha

.... **Opposite Party**
Mr. P. Tripathy, Addl. Govt. Advocate

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

14.10.2022

Order No.
08.

1. These matters are taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned Addl.

Standing Counsel for the State.

3. Petitioner-Chandan Sahoo is in custody since 13.04.2022, petitioner- Bijaya Kumar Nayak is in custody since 14.04.2022, petitioner-Manas Ranjan Das is in custody since 07.04.2022 and petitioner- Tapas Kumar Dash is in custody since 13.04.2022 in connection with EWO Bhubaneswar P.S. Case No.8 of 2022 corresponding to G.R. Case No.467 of 2022 pending in the Court of learned S.D.J.M., Jagatsinghpur for the alleged commission of offence under Sections 420/467/468/471/120(B) of IPC read with Section 66 of IT Act.

4. The prosecution allegation is that the petitioner- Manas Ranjan Das is the Director of a manufacturing firm of Rice Transplanter and other petitioners are its dealers. Pursuant to a Scheme floated by the Government, Transplanter machines were supplied to farmers/beneficiaries being subsidized by the Government. As per the practice, the subsidy amount was directly remitted to the account of the beneficiaries. Thereafter, the Transplanter machines were supplied after payment of the amount to the firms. It is however, alleged that the petitioners induced the farmers to transmit the subsidy amount to their accounts but did not supply the Transplanter machine as per the Scheme. In course of investigation, it was further found that a huge amount was transferred from the beneficiaries' accounts to the petitioners' accounts. Investigation being completed, charge sheet has been submitted in the case keeping it open under Section 173(8) of Cr.P.C.

5. It is submitted that the allegations are vague and non-specific inasmuch as there is no prima facie proof of transmission of amount of subsidy from the beneficiaries' accounts to the accounts

of the petitioners. Further, there is also no evidence that the Transplanter machines were not supplied to the farmers.

6. Mr. P. Tripathy, learned Addl. Standing Counsel has opposed the prayer for bail by submitting that considering the huge amount involved in the entire transaction, no leniency should be shown to the petitioners more so, as further investigation is still in progress and some more evidence is likely to be unearthed thereby.

7. I have considered the rival submissions and have also gone through the materials on record including the case diary in detail. I have also gone through the chart prepared by the prosecution showing the details of amounts said to have been transferred to the accounts of the petitioners. Prima facie, there is some evidence to show transmission of amounts from the beneficiaries to the petitioners. However, on such basis, it cannot be conclusively held that the petitioners are guilty of misappropriating the same. The allegation that the Transplanter machines were not supplied, is also not positively forthcoming from the materials on record. Be that as it may, fact remains that investigation has been completed and charge sheet has been submitted since 01.08.2022. The so called further investigation, which is said to be continuing, has not brought forth any new or additional material or evidence against the petitioners.

8. Considering all the above facts, as also the period of detention of the petitioners in custody, I am inclined to allow the prayer for bail. Let the petitioners 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 following conditions:

- (i) Petitioner- Manas Ranjan Dash shall furnish cash security of Rs.5,00,000/- (Rupees Five Lakhs) only and petitioners-Chandan Sahoo, Bijaya Kumar Nayak & Tapas Kumar Dash shall furnish cash security of Rs.2,00,000/- (Rupees Two Lakhs) only each in the shape of short term fixed deposit in any nationalized bank being pledged to the Court below.
- (ii) All the petitioners shall surrender their passport, if any, before the court below.
- (iii) They shall fully cooperate with the I.O. as and when required.
- (iv) They shall appear before the court below on each date of posing of the case personally and in case of even a single default, necessary orders shall be passed by the court to take them to custody again.

9. The BLAPL is accordingly disposed of.

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

(Sashikanta Mishra)
Judge

A.K. Rana