

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5882 of 2022

Swagat Prakash Baral

....

Petitioner

Mr. S.C. Mohapatra, Advocate

- Versus -

State of Orissa

....

Opposite Party

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

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

21.07.2022

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. This is the second journey of the petitioner to this Court seeking bail after his earlier bail application being BLAPL No. 2355 of 2022 was rejected by this Court granting liberty to renew his prayer after submission of charge sheet. It is submitted that in the meantime charge sheet has been submitted on 01.06.2022.
4. The Petitioner is in custody since 04.02.2022 in connection with Kharavelnagar P.S. Case No.423 of 2022 corresponding to C.T. Case No.28 of 2022 pending in the Court of learned S.D.J.M., Bhubaneswar for the alleged commission of the offence under Sections 419/420/467/468/471 of I.P.C.
5. It is alleged that on the basis of a forged order purportedly passed on 16.10.2020 by the Claims Commission, Bhubaneswar in Civil Case No. 306 of 2020, a sum of Rs.1,16,43,003/- was disbursed in favour of one Mangasira Dharua to his bank account. In so far as the petitioner is

concerned, he is said to have received Rs.10 lakh and Rs.3 lakh was transferred to the account of his wife, Nilu Sharma. Thus, the total financial involvement of the petitioner is Rs.13 lakh. As has already been stated hereinbefore, charge sheet has been submitted.

6. Prosecution mainly relies upon documentary evidence. The petitioner has spent more than five months in custody by now. Therefore, no useful purpose would be served by detaining him in custody further.

7. Considering the above facts, 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 court below personally on each date of posting of the case without fail and in case of any single default, the said court shall pass appropriate orders to take him to custody again. Further, he shall furnish cash security of Rs.5,00,000/-(Rupees Five Lakh) in the shape of short term fixed deposit in any Nationalized Bank being pledged to the court below. The said deposit shall be without prejudice to the rival claims

8. The BLAPL is disposed of.

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

(Sashikanta Mishra)
Judge