

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5450 of 2021

Kamaljit Singh

....

Petitioner

Mr. D.P. Nanda, Sr. Advocate

Mr. B.R. Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P. Mohapatra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

19.05.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard Mr. D.P. Nanda learned senior counsel for the petitioner instructed by the learned counsel Mr. B.R. Sahoo and Mr. P. Mohapatra learned counsel for the State.
3. The petitioner is an accused in C.T. Case No.424 of 2021, on the files of learned S.D.J.M., Baragarh, arising out of E.O.W., Bhubaneswar P.S. Case No.07 of 2021, under Sections 419/ 402/ 406/ 467/ 468/ 471/ 120-B of IPC and Section 66 of Information Technology Act, 2000 and is in custody since 22.06.2021.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Bargarh by order

dated 30.06.2021 in the aforementioned case, the present BLAPL has been filed.

5. It is the case of the prosecution that one M/s. Harpal Farm Equipments has misappropriated Govt. subsidy to the tune of Rs.3.86 Crs. earmarked for Farmers under Direct Benefit Transfer Scheme for providing Rice Transplantater Machine in the Districts of Sambalpur, Bargarh and Sonepur. After investigation it has come to light that the present petitioner who was not named in the FIR is the proprietor of one M/s. HS Enterprises and has actively assisted his brother, principal accused in such misappropriation.

6. It is submitted by the learned senior counsel for the petitioner that primarily the allegations are against his brother. He is a victim of the circumstances. Since his brother has evaded arrest, the petitioner is being unnecessarily detained in custody.

7. It is the further submission of the learned counsel for the petitioner that admittedly out of amount involved that is 3.86 Crores about Rs.2 Crores is under seizure and charge sheet having been submitted on 16.10.2021, further detention of the petitioner is unwarranted and is infact punitive.

8. Learned counsel for the State opposed such submission and stated that though charge sheet has been filed, investigation has been kept open to unearth larger conspiracy and release of the petitioner at this stage would impede the ongoing investigation.

9. Taking note of rival submission, since charge sheet has already been filed on 16.10.2021 and the petitioner is in custody

since 22.06.2021, this Court is of the considered opinion that further detention of the petitioner is not justified.

10. The apprehension of the prosecution relating to his release affecting further investigation can be addressed by imposing suitable conditions.

11. Hence this Court directs the petitioner to be released on bail.

12. The learned Court in seisin of the matter to fix the terms including that the petitioner shall furnish cash security to the tune of Rs.50 lakhs. The modality of which will be as under;

- i). Petitioner shall furnish cash security of Rs.10 lakhs on the date of release.
- ii). After four weeks of such release further sum of Rs.20 lakhs shall be deposited.
- iii). And thereafter, within further period of six weeks the petitioner is directed to deposit the balance of Rs.20 lakhs.

Learned Court in seisin over the matter to specify the dates.

13. It is further directed that the petitioner shall appear before the Investigating Officer once in two weeks. First date of such appearance to be fixed by the learned Court in seisin over the matter.

14. The petitioner shall not leave the jurisdiction of the Court in seisin of the matter without express permission to that effect.

15. It is needless to state here default in deposit and/or appearance as directed above shall entail cancellation of the bail without any further reference to this Court.

16. The BLAPL accordingly stands disposed of.

17. Urgent certified copy of this order be granted as per rules.

Santoshi

