

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6344 of 2022

Santosh Kumar Barada

....

Petitioner

Mr. D. Nayak, Sr. Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

17.11.2022

Order No.

04.

1. This matter is taken up through hybrid mode.
2. Heard learned senior counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in G.R. Case No.240 of 2022, pending in the file of learned S.D.J.M., Koraput, arising out of Damanjodi P.S. Case No.29 of 2022, offence under Sections 417/419/420/468/471/34 of IPC and is in custody since 03.04.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Judge, Koraput by order dated 29.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. Mr. Nayak, learned senior counsel for the petitioner submits that the petitioner is in custody since 03.04.2022 and as charge sheet has been filed on 26.05.2022 and release of the co-accused by this Court by order dated 22.07.2022 in BLAPL No.4746 of 2022 and as petitioner is more or less similarly circumstanced, his further continuance in custody is not warranted.

6. He fortifies his submission, by stating that even if the entire recital in the preliminary charge sheet is taken into account, it has come to the fore that an amount of Rs.1,46,000/- (Rupees One Lakh Forty-Six Thousands) only has been credited to the account of the present petitioner. Hence it is stated that since other two co-accused have been released on bail, his further continuance in custody is punitive.

7. Learned counsel for the State opposes the prayer for bail relying on the recitals in the Case Diary.

8. Perused the recitals in the Case Diary from which it emanates that the present petitioner is the Director of one Aurashree Skill Development Centre Pvt. Ltd Satyanagar, Bhubaneswar and it has been placed on record that for the period from 01.01.2022 to 04.04.2022 an amount of Rs.96,00,000/- has been transferred to the account of the petitioner.

9. On close scrutiny, there is no plausible explanation regarding such amount and at this juncture, it is apt to state that though preliminary charge sheet has been filed, investigation has been kept open under Section 173(8) of the Cr.P.C.

10. Taking into account the peculiar nature of allegations made and that investigation is pending regarding activities of Aurashree Skill Development Centre Pvt. Ltd of which the petitioner was the Director and keeping in view that the petitioner is involved in commission of similar offences and has been cited as accused in Khandagiri P.S. Case No.208 dt. 16.05.2017 u/s. 420/34 IPC, Khandagiri P.S. Case No.135 dt. 12.03.2016 u/s. 420 IPC, Koraput Town P.S. Case No.89 dt.05.04.2022 u/s. 417/ 419/ 420/ 468/ 471/ 472/506/34 IPC, this Court is not inclined to entertain this bail

application at this stage. Prima facie the question of parity does not come into play qua the petitioner.

11. Accordingly, the BLAPL stands rejected.
12. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

Santoshi

