

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6692 of 2022

Nabakishore Dharua

....

Petitioner

Ms. D.R. Nanda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

31.10.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. An appearance memo of Ms. D.R. Nanda has been filed in Court. The same be kept on record.
3. Heard learned counsel for the Petitioner and learned counsel for the State.
4. The Petitioner is an accused in connection with G.R. Case No.173 of 2019 arising out of Chhendipada P.S. Case No.194 of 2019, pending on the file of the learned J.M.F.C., Chhendipada for the alleged commission of offence under Sections 467/468/471/474/409/420/34 IPC.
5. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the Addl. District & Sessions Judge-cum-Special Judge (Vigilance), Angul by order dated 22.06.2022, the present BLAPL has been filed.

6. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 10.06.2022 and the charge sheet has been filed on 27.07.2022. Relying on the investigation report during the course of departmental inquiry in connection with defalcation of the amount while he was working as a Branch Manager of Odisha Gramya Bank, Khamar Branch, it is submitted that an amount of Rs.6 lakhs shows as recovered from the Petitioner. Hence, it is submitted that since charge sheet has been filed and the allegation is more or less documentary evidence, further continuance of the Petitioner in custody is uncalled for.

7. Learned counsel for the State opposes the prayer for bail of the Petitioner, inter alia, on the ground that the total amount siphoned was to the tune of Rs.16,50,000/- by misusing the official capacity as Branch Manager. Hence, this being an economic offence, he ought not to be released on bail.

8. Considering the recovery of Rs.6 lakhs as borne out from the investigation report and that the allegation is prima facie based on documentary evidence, as submitted by the learned counsel for the Petitioner, this Court directs the Petitioner to be released on bail on such terms to be fixed by the learned court in seisin over the matter.

9. The BLAPL thus stands disposed of.

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

(V. NARASINGH)
Judge

PKS