

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6825 of 2022

Bhuban Mohan Naik

....

Petitioner

Mr. M.Chand, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

16.09.2022

Order No.

03.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in G.R. Case No.733 of 2022, pending in the file of learned S.D.J.M. Deogarh arising out of Deogarh P.S. Case No.462 of 2022, offence under Sections 420/409/34 of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Deogarh by order dated 12.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. The allegations against the petitioner is that by fraudulent means get an amount of Rs. 5,00,000/- (Rupees Five Lakhs only) transferred to his account with connivance of one Binod Kumar Nag ex-accountant of the Municipal Council Deogarh.

6. It is submitted by the learned counsel for the petitioner that since the allegations are more or less based on documentary evidence and the petitioner has no antecedent and the investigation has progressed substantially and as he is in custody since 07.07.2022, his further continuance in custody is unwarranted.

7. Learned counsel for the State opposes the prayer for bail and submits that the amounts to defalcation of government money meant for arrear salary, since petitioner ought not to be released on bail.

8. Taking note of the allegations as borne out from the FIR of the Municipal Corporation, it is seen that amount Rs.5,00,000/- (Rupees Five Lakhs only) which was meant for arrear salary was credited dishonestly to the account of the present petitioner.

9. Taking into account the period of custody and role ascribed to 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.

10. Additionally it is directed that petitioner shall furnish cash security to the tune of Rs.75,000/- (Rupees Seventy Five Thousand Only) which shall be kept in short terms interest bearing account pledged in favour of the Court in seisin over the matter and shall which shall subject to final outcome.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge