

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6991 of 2022

Kamalakanta Mahakud

....

Petitioner

Mr. K. Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

02.11.2022

Order No.

02.

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 connection with C.T. Case No.332 of 2022, pending in the file of the learned S.D.J.M., Nilgiri, arising out of Berhampur P.S. Case No.74 of 2022, for alleged commission of offences under Sections 420/406/120-B/294/506 of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Assistant Sessions Judge, Nilgiri, by order dated 18.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the co-accused one Basanta Behera @ Kamala was released on bail by this Court by order dated 14.10.2022 in BLAPL No.9181 of

2022, hence it is stated that the petitioner may be released on bail, since he is similarly circumstanced.

6. Learned counsel for the State opposes such prayer and states that the present petitioner is not similarly circumstanced inasmuch, as noted in the earlier order of this Court, he is one of the mastermind and the other accused were only working at his behest and it is on record that numbers of passbooks were seized from the possession of the petitioner in terms of Section 27 of the Evidence Act.

7. There is nothing on record to indicate if any money has been siphoned off to the accounts of the present petitioner.

8. Taking into account the nature of allegations and substantial progress in investigation relating to the complicity of the petitioner and considering the statement of the learned counsel for the petitioner that he is the first offender, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

9. While enlarging the petitioner on bail, the learned Court below shall examine as to whether the petitioner is the first offender. If it comes to the fore that the petitioner has any criminal antecedent, this order shall stand recalled.

10. Accordingly, the BLAPL stands disposed of.

11. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Ayesha