

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7324 of 2022

Debasmita Nayak @ Chandu

Petitioner

Mr. S.K. Nayak, Advocate

-versus-

State of Odisha

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
02.09.2022

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 Bansada P.S. Case No.237 of 2022 corresponding to G.R. Case No.521 of 2022, pending in the Court of learned J.M.F.C., Chandbali, under 409/34 of IPC.
4. Being aggrieved by the Rejection of her application for bail U/s.439 Cr.P.C. by the learned District & Sessions Judge, Bhadrak, by order dated 25.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the petitioner is in custody since 30.06.2022 and investigation has progressed substantially, further continuance of the petitioner in custody is not warranted.

6. Learned counsel for the State opposes the prayer for bail inter alia stating therein that an amount of Rs.6,26,000/-(Rupees six lakhs twenty six thousand) out of total misappropriation of Rs.8,00,000/-(Rupees eight lakhs) of Srma GPLF account has been transferred to the personal account of the petitioner. Hence releasing her at this stage during the pendency of investigation is uncalled for.

7. Taking into account that the petitioner is a lady and keeping in view the proviso to Section 437(1) Cr.P.C, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

8. Additionally it is directed that the petitioner shall furnish cash security to the tune of Rs.3,00,000/- (Rupees three lakhs) at the time of release, which shall be pledged to the Court in seisin over the matter and shall be kept in a short term interest bearing account and shall abide by the final outcome. Further terms to be fixed by the learned Court in seisin over the matter.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha