

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7458 of 2022

Rajendra Kumar Gouda

....

Petitioner

Mr. S. Mohanty , Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. J.P. Patra, Adv (OPID)

CORAM: JUSTICE V. NARASINGH

ORDER
20.12.2022

Order No.

03.

1. Heard learned counsel for the petitioner and learned counsel for the OPID.
2. The petitioner is an accused in connection with EOW P.S. Case No.11 of 2022 arising out of Bhanjanagar P.S. Case No.40 of 2022 corresponding to G.R. Case No.85 of 2022 pending on the file of learned S.D.J.M., Bhanjanagar, for commission of alleged offences under Sections 406/467/468/471/120-B of IPC and Section 66-D/66-C of IT Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Bhanjanagar, by order dated 12.07.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel for the petitioner that he is in custody since 23.04.2022 and charge sheet has been filed on 25.08.2022, his further continuance in custody is not warranted.

5. Mr. Patra, learned counsel for the OPID opposes the prayer for bail inter alia on the ground that the investigation has been kept open under Section 173(8) of the Cr.P.C. and hence releasing of the petitioner at this stage, when other accused have not yet been apprehended, will derail the ongoing investigation.

6. The investigation in the case at hand was initiated on the complained filed by one Manoj Ku. Barad. In the complaint, Manoj Ku. Barad has clearly indicated that the present petitioner who is one of the agents along with another Jagdish who has been styled as a team leader.

7. Subsequently Manoj Ku. Barad was recorded under 161 of Cr.P.C. and in the said statement, he has not named the petitioner.

8. Learned counsel for the petitioner has also placed on record the statement of one Maheswari Tripathy, an employee of the company indicating the modus operandi of the company and indicated that the company used to provide user ID and Password and using that the amounts have to be deposited in the company. The statement of one Megha Biswal, an investor indicates that R. Manikandan, Director of the Company, Pravat Ku. Dash, Chinmaya Ku. Dash both nephew of the Director Bhiku Bisoyi, and he stated that Rajesh Bhola and the present petitioner are the team leaders.

9. Learned counsel for the petitioner submits that it is on record that the petitioner was working in the company from October, 2021 to December 2021. Hence, keeping in view the limited role ascribed to him, merely because other co-accused persons have not been taken into custody, he should not suffer.

10. Mr. Patra, learned counsel for the OPID opposes the prayer and states that the petitioner has played an active role in motivating

the gullible investors and had also collected money which is clearly borne out from the seizure list and in this context he relies on the seizure list dated 02.05.2022 at Serial No.17 which refers to one register in the name of the present petitioner and Collection Note Book.

11. And in this context he refers to the statement of one Subash Pattnaik, Branch Manager of HDFC Bank. During the course of examination the said Subash Pattnaik stated that “by referring the statement of account from 08.04.2021 to 09.06.2022, I am to state that total amount of Rs.5,44,20,285/- has been credited and an amount Rs.5,44,18,985/- has been debited in the said account and leaving balance is Rs.1,220/- and the account refer to the account of the company that is Kinney Infotech Pvt. Ltd. bearing account No.50200057480591 maintained at HDFC Bank Bhanjanagar Branch, Ganjam”.

12. On a conspectus of materials on record, it is not borne out that the petitioner was at helm of affair or had any control over the company which is accused of duping investors.

13. Taking into account his limited role and the statements of witnesses as the details of the accounts referred to herein above, this Court is persuaded to hold that his further continuance in custody is not warranted. Hence, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

14. Keeping in view that further investigation in the case at hand is continuing to allay the apprehension of the learned counsel for the OPID that his release would affect such investigations he can be put to terms and accordingly it is directed that the petitioner shall not leave the jurisdiction of the Court in seisin without its

express permission and shall appear before the I.O. as and when summoned.

15. Accordingly, the BLAPL stands disposed of.
16. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

Santoshi

