

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9409 of 2022

Santilata Das & another

....

Petitioners

Mr. Prasanta Kumar Sahoo, Advocate

-versus-

State of Odisha & another

....

Opposite Parties

Mr. Shashanka Patra, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

17.10.2022

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 409/34, I.P.C.
4. It is submitted by learned counsel for the Petitioners that the present Petitioners are President and Secretary respectively of a society named Srma GPLF Fund. On perusal of the record it is seen that, allegation has been made that money to the tune of Rs.8,00,000/- (eight lakhs) belonging to the said GPLF Fund has been transferred to the account of one Debasmita Nayak, who is the Master Book Keeper of the aforesaid GPLF. It is further submitted by learned counsel for the Petitioner that the present Petitioners have

no role in such alleged misappropriation of money of the Fund. He further submits that during the course of investigation the accounts of said Debasmita Nayak has been seized, wherein the rest balance amount of Rs.6,00,000/- (six lakhs) is there.

5. Learned counsel for the State, on the other hand, submits that with the consent of the present Petitioners, the aforesaid amount of rupees eight lakhs has been transferred to the account of said Debasmita Nayak. However, he does not dispute to the fact that such amount has not been transferred through the Petitioners.

6. Considering the aforesaid facts and submissions, seriousness of the allegation and gravity of the offence, although I am not inclined to grant anticipatory bail to the Petitioners, however it is observed that, in the event the Petitioners surrender and move for bail before the learned J.M.F.C., Chandbali in G.R. Case No.521 of 2022 corresponding to Bansada P.S. Case No.237 of 2022 within a period of three weeks from today, they shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper in the facts and circumstances of the case, but subject to the following further conditions –

(i) The Petitioners shall appear before the I.O. and shall cooperate with the investigation as and when required;

(ii) They shall not indulge in any other offence of similar nature to the present case in any manner whatsoever, while on bail.

(iii) They shall appear before the trial court on each and every date fixed for trial, without fail.

Violation of any of the conditions shall entail cancellation of bail of the Petitioners.

7. The ABLAPL is disposed of accordingly.
8. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge

S.K.Parida

