

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7472 of 2022

Sunita Samal

.... ***Petitioner***
Mr. Y. Das, Sr. Advocate

-versus-

State of Odisha (OPID)

.... ***Opposite Party***
Mr. B. Bhuyan, Advocate for the State in OPID Cases

CORAM:
MR. JUSTICE D.DASH

ORDER
12.12.2022

Order No.

01. 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. This is the successive journey of this petitioner, who is in custody in connection with C.T. Case No.05 of 2016 corresponding to Bhubaneswar EOW Case No.08 of 2016 pending in the Court of the learned P.O., Designated Court under OPID Act, Cuttack for offence punishable under sections 467,468,471,420,406,120-B, I.P.C. read with section 4,5 & 6 of P.C.M.C. Act and section 6 of OPID Act in filing this application under section 439, Cr.P.C. for her release on bail.
3. Mr. Y. Das, learned Senior Counsel for the Petitioner submits that this Petitioner being arrested in the case is in custody since 24.05.2018 and now in view of the fact that co-accused, namely, Manoranjan Roy is absconding after being granted interim bail by this Court, the trial is also not making any progress. He further submits that this Petitioner who is aged about 40 years has also two children and who are also suffering for such detention of the Petitioner in custody. It is his further submission that although it is alleged that she being the Director of the Company was involved in collecting deposits from different

persons alluring them with high returns and that was only to cheat them at the end yet in presence of other male Directors in the Company, the role of this Petitioner in the direction of collection of the deposits by alluring etc. is not so readily inferable. In view of all these, he urges for reconsideration of the prayer for grant of bail to this Petitioner.

4. Mr. Bhuyan, learned counsel for the State in OPID Cases submits that the co-accused Manoranjan Roy having been released on interim bail is now absconding and for that the trial is not making any progress. He, however, does not dispute that said Manoranjan pursuant to the condition imposed has deposited a sum of Rs.40,00,000/- in court when the total financial implication of the case as ascertained is Rs.1,01,50,000/- He, however, expresses the apprehension that this Petitioner on being released on bail is likely to follow the same path.

5. Considering the submissions as advanced and on going through the materials as placed; further keeping in view the surrounding circumstances including the factum of detention of the petitioner in custody when the trial is not complete; while being inclined to reconsider the prayer for grant of bail to this petitioner, it is directed that the petitioner be released on bail in the aforesaid case with such terms and conditions as deemed just and proper by the court in seisin of the case with further conditions that:-

- (i) she will appear in person before the court in seisin of the case on each date of posting of the case till conclusion of the trial without fail;
- (ii) will appear before the Investigating Officer of EOW Police Station, Bhubaneswar on every Monday in between 10.00 a.m. to 2.00 p.m. till conclusion of trial;
- (iii) will not leave the jurisdiction of the Court in seisin of the case; and
- (iv) will surrender her passport, if she so possesses and in case she does not have the same, she would furnish an affidavit stating the said

fact before the said court providing her permanent and contact address as also the mobile phone number.

6. The BLAPL is accordingly disposed of.
Issue urgent certified copy as per rules.

(D. Dash)
Judge

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