

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9559 of 2022

<i>Pitabasa Mahali</i>		<i>Petitioner</i>
	<i>-versus-</i>	
<i>Republic of India</i>		<i>Opposite Party</i>

CORAM: JUSTICE S. PUJAHARI

ORDER

19.09.2022

Order
No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner apprehending his arrest in ACB Bhubaneswar P.S. Case No.RC0152022A0009 dated 26th July, 2022 registered for alleged commission of offences punishable under Sections 120-B, 420, 409, 467, 468, 471, 477-A of the I.P.C. read with Section 13(2) r/w 13(1)(c) and 13(1)(d) of the P.C. Act, 1988, has filed this petition for his release on pre-arrest bail.
3. Heard the learned counsel appearing for the Petitioner and Mr. Sarthak Nayak, learned counsel appearing for the Opposite Party-C.B.I.
4. The allegation of the prosecution is that the Petitioner while working as a Postal Assistant at Rairangpur H.O. along with two others stated to have entered into a criminal conspiracy and in pursuance thereof committed

misappropriation of Government money by way of opening fake accounts in the name of different persons including near relatives and withdrawn the closure values by means of postal cheques.

5. Learned counsel for the Petitioner submits that since the Petitioner is no way involved as during his tenure no amount has been withdrawn, he be released on pre-arrest bail, particularly when he has no chance of absconding and tampering with the investigation.

6. Learned counsel appearing for the Opposite Party-C.B.I. vehemently opposes the prayer for pre-arrest bail of the Petitioner with the submission that the Petitioner is the mastermind of the offence committed and in connivance with others, he caused loss to the postal department and also his custodial interrogation is required to unearth the conspiracy and the manner in which forge and forgery committed. As such, he should not be released on pre-arrest bail.

7. On considering the aforesaid facts and submissions made, especially the nature and gravity of the offences, circumstances in which the offence stated to have been committed, coupled with the fact that custodial interrogation of the Petitioner is required to unearth the conspiracy and the manner in which forge and forgery committed, so also involvement of the other persons, this Court is not inclined to entertain the prayer made by the Petitioner.

8. Accordingly, the prayer for pre-arrest bail of the Petitioners stands rejected.

(S. Pujahari)
Judge

DA

