

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6718 OF 2021

Jagannath Das

....

Petitioner

Mr.S.D. Das, Sr. Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.G.N.Rout, ASC

Mr.P.K. Nayak, Advocate for the Victim

CORAM:

MR. JUSTICE D.DASH

Order No.

06.

Order

19.05.2022

1. The matter is taken up through hybrid arrangement (virtual/ physical) mode.
2. This is the successive journey of the Petitioner, who is in custody in connection with EOW Bhubaneswar P.S. Case No.14 of 2018 corresponding to C.T. Case No.2408 of 2018 on the file of learned S.D.J.M., Bhubaneswar running for alleged commission of offence under section 120-B/406/420/467/468/471 of the IPC, in filing this application under section 439 Cr.P.C., for his release on bail.
3. The prosecution allegations run to the effect that the Company, namely, Swarnayug Human Resources Limited (SHRL) having a unit as Skills of Computer System Institute (SCSI) with a view to provide free training programme in the skill developments for residential and non-residential students in computer, soft skill training, tailoring and multi-media courses, through advertisement, invited for the franchise.

This Petitioner is said to be one of the Directors of the said SHRL. The Informant states to have been moved by the

advertisement, finally entered into a MOU/agreement for giving training to 432 students by depositing the assessment fee and security amount. It is next alleged that the legal dues of the Informant, as assured, was not paid and the post dated cheques were dishonoured.

Mr.S.D.Das, learned Senior Counsel for the Petitioner submits that although it is said that huge sum of money have been collected while carrying out the activities of the Company, in the account of the Petitioner, only a sum of Rs.46,00,000/- (forty-six lakhs) has been deposited. He further submits that with the self-same allegation, in the case registered in the State of Chhatisgarh, the Petitioner has already been granted bail on 13.01.2020 by the Hon'ble Supreme Court in Criminal Appeal No.78 of 2020 and also such order of grant of bail has been passed in a case of similar nature by the learned Additional Sessions Judge, Jaipur in B.A. No.39 of 2020. He further submits that the Petitioner, having been granted with interim bail on two occasions, has surrendered in time is in custody when it is also not stated that the Petitioner had misutilized the liberty in any manner during the period. With all these above, placing the fact that the Petitioner has been in custody in this case since 23.11.2018, he submits that in the facts and circumstances of the case, when the evidence projected by the prosecution through number of witnesses are to be placed in the trial for being put to test which is not at all expected to be completed so soon, further detention of the Petitioner in custody does stand as of necessity to serve any useful purpose except that it would cause sufferance to the Petitioner and his family members. In view of all these above, he urges for reconsideration

of the prayer for grant of bail to the Petitioner as according to him, further detention of the Petitioner in custody would not be in the interest of justice, especially when there remains no scope on the part of the Petitioner to flee from justice and tamper the evidence.

Learned counsel for the State and Victim oppose the move. According to them, there is no material to show that the Petitioner has paid back any amount to the persons in the State of Odisha from whom collections have been made. They submit that the case against the Petitioner here is for commission of economic offence and it is of wide magnitude having the involvement of more than Rs.21.00 crores. They, however, does not dispute that in two such cases running against the Petitioner in the State of Chhatisgarh and Rajasthan, he has been granted bail by the Hon'ble Supreme Court and learned Additional Sessions Judge, Jaipur.

Taking into account the submissions made, further keeping in view of the materials on record, as those stand against the Petitioner with other surrounding circumstances including the long period of detention in custody and on going through the order passed by the Hon'ble Supreme Court and as well as the learned Additional Sessions Judge, Jaipur in cases running against the Petitioner in the State of Chhatisgarh and Rajasthan in taking note of the fact that the Petitioner too has not misused the liberty while in interim bail; this Court is inclined to reconsider the prayer of grant of bail to the Petitioner. Accordingly, it is directed that the Petitioner be released on bail in the aforesaid case by the learned Court in seisin of the case on such terms and conditions as deemed just and proper by the said court with further conditions that he

shall appear in person before the court in seisin of the case on each and every date of posting of the case till conclusion of the trial without fail; will surrender his Passport, if he so possesses, the same and in case he does not have the same, he would furnish an affidavit stating the said fact; and will not the leave the jurisdiction of the State of Odisha without prior permission of the Court in seisin of the case.

Violation of any of the above condition(s) shall entail cancellation of bail.

4. The BLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**

Basu

