

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6572 of 2020

Jagat Jiban Nayak

....

Petitioner

Dr. Bonod Kumar Mishra, Advocate

-versus-

State of Odisha (OPID)

....

Opposite Parties

Mr. B. Bhuyan, (OPID)

Mr. Arun Ku. Acharya, Advocate (Informant)

Mr. H.N. Mohapatra, Advocate (Victim)

**CORAM:
MR. JUSTICE D.DASH**

**ORDER
10.01.2022**

Order No.

12. 1. This matter is taken up by Video Conferencing Mode.
2. This is the successive journey of the petitioner, who is in custody in connection with E.O.W. Bhubaneswar P.S. Case No.02 of 2018 corresponding to C.T. Case No.03 of 2018 pending in the court of the learned Odisha Protection of Interest of Depositors Court, Cuttack running for the alleged commission of offence under sections 120-B/406/420/467/468/471, I.P.C. and section 6 of the Orissa Protection of Interests of Depositors (In Financial Establishments) Act, 2011 in filing this application under section 439, Cr.P.C. for his release on bail. Earlier prayer for grant of bail to the Petitioner has been rejected in BLAPL Nos.2666 of 2018 and 3958 of 2019.

3. Heard Dr. Binod Kumar Mishra, learned counsel for the Petitioner and Mr. B. Bhuyan, learned counsel appearing on behalf of the State in OPID Cases.

Mr. Arun Kumar Acharya and Mr. H.N. Mohapatra, learned counsels, who have entered appearance on behalf of the Informant and victims have also been heard.

4. Learned counsel for the Petitioner submits that the Petitioner being arrested in the case is in custody since 30.01.2018 and in this way three years and eleven months have passed when the trial has not yet made any progress. It is submitted that the Petitioner being in custody, the project work undertaken has not made any progress and only on release of the Petitioner on bail, he would be able to do the needful in completing the project. It is also his submission that the Informant and others have falsely implicated the Petitioner when they themselves did not pay the entire amount in terms of their respective agreement for non-payment such huge amount due to them, the investment of the Petitioner to the tune of about Rs.5.5 crores or more for construction of the flats is lying idle to the great sufferings of the Petitioner. He submits that the Petitioner being a permanent resident of the District of Khurda, there arises no scope on his part to flee from justice and the question of tampering the evidence also does not arise. In view of all these above, he urges for grant of bail to this Petitioner.

5. Learned counsel for the State and the victims vehemently oppose the move. According to them, the materials on record would reveal that from more than 150 intending buyers of the flats, money has been collected and document so

far collected show that a sum of Rs.13,68,18,614.06 has been credited to the account of the aforesaid Company. They submit that despite release of the Petitioner on interim bail on several occasions, no such interest has been shown by the Petitioner in the direction of the settlement of the dues of the victims nor any progress has been made in respect of the construction work of the project which has remained same as it was four years back.

6. Considering the submissions made and on going through the materials as placed, further keeping in view the nature of the accusations as to commission of the economic offence in which the Petitioner is said to have been involved and its magnitude when also there has been no progress in the matter of settlement of the dues despite opportunities being provided to the Petitioner, this Court finds no such changing circumstance for reconsideration for the prayer for bail to the Petitioner.

7. Accordingly, the BLAPL stands dismissed.

8. As the restrictions due to the COVID-19 situation are continuing, learned counsel for the parties may utilize a soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner prescribed, vide Court's Notice No.4587 dated 25th March, 2020 as modified by Court's Notice No.4798 dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January,2022.

(D. Dash)
Judge

