

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7870 of 2022

Babu @ Rashmi Ranjan Bhol ***Petitioner***

Mr. A.K. Budhia, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
21.12.2022

Order No.

04.

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner is an accused in connection with C.T. Case No.592 of 2022, pending in the Court of the learned J.M.F.C., Betnoti, arising out of Betnoti P.S. Case No.217 of 2022, for alleged commission of offences under Sections 417/419/420/467/468/34 of IPC read with Sections 66-B/66-C/66-D of the I.T.(Amendment) Act.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 1st Additional District & Sessions Judge, Baripada, by order dated 10.08.2022 in the aforementioned case, the present BLAPL has been filed.

4. The allegation is that the petitioner being a member of a hacker group namely "Get Way Empire", have been looting gullible customer and the amount involved is huge.

5. It is submitted by the learned counsel for the petitioner that since charge-sheet has already been filed on 12.11.2022, further continuance of the petitioner in custody is unwarranted, as the basis of implication is on account of co-accused statement.
6. On query, the learned counsel for the State have not been able to place on record what is the amount involved though charge-sheet has already been filed.
7. Learned counsel for the State referring to the Case Diary and relying on the order of rejection, submits that admittedly the petitioner has link with the principal accused i.e. one Rajesh Kumar Lenka, hence he ought not to be released on bail.
8. Learned counsel for the State brings to the notice of this Court that the petitioner in the meanwhile has been remanded in two other cases apart from the case at hand and he is in custody in the said cases.
9. Taking into account the basis of implication in the case at hand being admittedly on account of co-accused statement, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.
10. Learned counsel for the petitioner has filed a memo regarding two criminal antecedents of the petitioner, which is taken on record i.e. (i) Cyber Crime & Economic Mayurbhanj P.S. Case No.21 of 2022 dt.19.07.2022 (ii) Cyber Crime & Economic Mayurbhanj P.S. Case No.24 of 2022 dt.18.08.2022.
11. While releasing the petitioner, learned Court in seisin is called upon to verify, if the petitioner is involved in any case other than the two cases referred to in the memo filed by the learned counsel for the petitioner in this Court.

12. If it comes to the fore that the petitioner has any other case than the one mentioned in the memo, this order shall stand recalled.
13. Accordingly, the BLAPL stands disposed of.
14. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Ayesha

