

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8025 of 2022

Rajendra Kumar Behera

....

Petitioner

Mr. H.K. Mund, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

19.09.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel for the State.
3. The petitioner is an accused in G.R. Case No.1595 of 2021, pending on the file of the learned SDJM, (Sadar), Cuttack, arising out of Cantonment P.S. Case No.140 of 2021, offences under Sections 418/419/420/468/120-B of the IPC and Section 66(C), 66(D) of the I.T. Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Judge, (Vigilance), by order dated 16.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the allegations against the present petitioner is that petitioner as Chief Manager has sanctioned a cash credit loan to the tune of Rs.9,90,000/- (Rupees Nine Lakhs Ninety Thousand only) in favour of the informant. It is the case of the prosecution that at a

subsequent stage an amount of Rs.5,00,000/- (Rupees Five Lakh only) was withdrawn from the said account on the basis of one the five cheque stated to have been issued at the instance of the present petitioner and one Kishan Kumar Jena.

6. And, it is brought to the notice of the Court, the said Kishan Kumar Jena in the meanwhile has been released on bail by the Additional Sessions Judge-cum-Special Judge, (Vigilance), Cuttack by order dated 12.07.2022 in BLAPL No.742 of 2022. It is submitted by the learned counsel for the petitioner that he is on better footing than Kishan Kumar Jena. Hence, further continuance of the petitioner in custody is punitive.

7. Learned counsel for the informant submits that there are irregularities while crediting the loan amount to the account of the petitioner in as much as that the amount has been fraudulently transferred to cash credit account which is against the establish procedure.

8. Prima facie there is nothing on record of credit of any amount to the account of the petitioner. Taking note of the same and that the investigation has progressed substantially and the release of Kishan Kumar Jena, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

9. Taking note of the concern of the prosecution as well as informant it is directed that petitioner shall appear before the investigating officer once every week till the conclusion of trial.

10. Accordingly, the BLAPL stands disposed of.

11. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge