

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8165 of 2022

Satya Narayan Jena @ Bablu ***Petitioner***

Mr. A. Satpathy, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. M. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

12.12.2022

Order No.

04.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in G.R. Case No.406 of 2022, pending in the file of learned N.G.N.-cum-JMFC Tangi, arising out of Nirakarpur P.S. Case No.153 of 2022, for commission of alleged offences under Sections 409 of IPC and is in custody since 01.08.2022.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 2nd Additional Sessions Judge, Khurda by order dated 09.08.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted that the petitioner is in custody since 01.08.2022 and as charge sheet has already been filed on 24.11.2022, further continuance for the petitioner in custody is not warranted keeping in view the nature of allegations.

5. Learned counsel for the State opposes the prayer for bail inter alia on the ground that there are materials to indicate that the amount approximately to the tune of Rs.10 lakh has been misappropriated by the petitioner who was functioning as the “Sangha Manager” of Bharat Finance Inclusion Pvt. Ltd.

6. It is submitted that though charge sheet has been filed, as investigation has been kept open, the release of the petitioner would impact the further investigation.

7. Considering the nature of allegations and taking into account the filing of the charge sheet though investigation has been kept open under Section 173 (8) of Cr.P.C., this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

8. Additionally it is directed that the petitioner shall furnish cash security to the tune of Rs.3 lakh (Rupees Three Lakh) which shall be kept in short term interest bearing account pledged to the Court and which shall abide by the outcome of the trial and property security to the tune of Rs.20 lakh (Rupees Twenty Lakh) in addition to the terms fixed by the learned Court in seisin.

9. Petitioner shall not leave the jurisdiction of the learned Court in seisin without its express permission.

10. Since the learned counsel for the petitioner has no instructions regarding the criminal antecedents of the petitioner, the Court below is called upon to verify the same. If it comes to the fore that the petitioner has criminal antecedent of similar nature, this order shall stand recalled.

11. Accordingly, the BLAPL stands disposed of.

12. Urgent certified copy of this order be granted as per the rules.

(V. NARASINGH)
Judge

Santoshi

