

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8186 of 2022

Adikanda Dey

....

Petitioner

Mr. D. Panda, Sr. Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

Mr. S. Dash, Advocate

(Informant)

CORAM: JUSTICE V. NARASINGH

ORDER
21.10.2022

Order No.

03.

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 connection with C.T. Case No.464 of 2022, pending in the Court of learned S.D.J.M., Udala, arising out of Udala P.S. Case No.159 of 2022, for offences under Sections 409/420/426/379 of IPC.
4. 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 22.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is alleged by the prosecution that while working as in Principal-in-Charge -cum- Secretary the allegation of defalcation has been made against the petitioner.

6. It is submitted by the learned counsel for the petitioner that even accepting the entire allegation of the prosecution at its face value, no iota of materials are on record to substantiate the accusation under Section 409/420/426/379 of IPC and relying on the explanation submitted, which is on record, to the letters of the Principal-in-Charge dated 02.02.2022, prior to the registration of the F.I.R. dated 24.05.2022, it is stated that the petitioner had already handed over the keys of the office of the principal as well as the keys of the almirah to the head clerk of the College, Mr. Ganeshwar Singh on 17.09.2021, hence it is stated that petitioner is being victimized.

7. Learned counsel for the State as well as for the informant on instruction submits that the investigation is going on and learned counsel for the State on instruction submits that the petitioner during the period, was taken on remand has willfully not cooperated with the investigation and hence releasing him at this stage would adversely affect the ongoing investigation.

8. This Court has also noted the criminal proclivity of the petitioner as borne out from the order of rejection.

9. Considering the peculiar nature of allegations and the conduct of the petitioner during investigation, this Court is **not inclined** to entertain the bail application when investigation is yet to be completed.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha