

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8490 of 2022

Amit Kumar Kumawat

....

Petitioner

Mr. P.S. Nayak, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

Mr. A.K. Samal, Advocate

(Informant)

CORAM: JUSTICE V. NARASINGH

ORDER

21.10.2022

Order No.

03.

1. This matter is taken up through hybrid mode.
2. Heard Mr. P.S. Nayak along with Mr. T. Sharma, learned counsel for the petitioner, Mr. A.K. Samal, learned counsel for the informant and Mr. P.K. Maharaj, learned Additional Standing Counsel for the State.
3. The petitioner is accused in connection with C.T. Case No.1338 of 2022, pending in the Court of learned S.D.J.M., Jajpur, arising out of Jajpur P.S. Case No.203 of 2022, for commission of offences under Section 420 of IPC read with Sections 66(C) and 66(D) of IT Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Jajpur, by order dated 25.08.2022 in the aforementioned case, the present BLAPL has been filed.

5. It is submitted by the learned counsel for the petitioner that the petitioner is in custody since 15.08.2022 and charge-sheet has been filed on 11.10.2022, hence further continuance of the petitioner in custody is unwarranted.

6. Learned counsel for the informant with vehemence submits that though amount of Rs.5,50,000/-(Rupees five lakh fifty thousand) in all has been recovered, it does not ennure to his benefit.

7. Learned counsel for the State on instruction submits that during the course of investigation a sum of Rs.5,00,000/-(Rupees five lakh) transferred to the account of the Amit Kumar Kumawat has been secured and further sum of Rs.50,000/-(Rupees fifty thousand) has been transferred to one Dipanshu Kumar Khandelwal who has not been arrayed as an accused.

8. It is further submitted by the learned counsel for the State and the informant that since the petitioner does not reside within the territorial jurisdiction of the Court in seisin over the matter and in fact he is not even a resident of the State of Odisha, his presence during the trial cannot be secured. As such he should not be enlarged on bail.

9. Taking into account the nature of allegations and that in the meanwhile Rs.5,00,000/-(Rupees five lakh) has been secured, this Court directs the petitioner to be released on bail on such terms to fixed by the learned Court in seisin over the matter.

10. To allay the legitimate apprehension of the learned counsel for the informant and the State that the presence of the petitioner cannot be secured during trial, this Court is persuaded to hold that the petitioner can be put to terms to ensure the same.

11. Additionally it is directed that one of the sureties shall be immediate family member of the petitioner apart from local sureties and the petitioner shall not leave the territorial jurisdiction of the Court in question without the express permission of the Court and the petitioner shall appear before the jurisdictional police station once every two weeks till conclusion of trial.

12. It shall be open to the informant to seek variance of this order, in the event it comes to the fore that any of the condition so imposed has been violated by the petitioner.

13. Accordingly, the BLAPL stands disposed of.

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

Ayesha

