

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8524 of 2022

Hirak Kumar Parida

....

Petitioner

Mr. D. Nayak, Sr. Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

11.11.2022

Order No.

04.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned counsel for the State.
3. The Petitioner is an accused in G.R Case No.1057 of 2022 pending on the file of learned S.D.J.M., Angul, arising out of Angul P.S. Case No.388 of 2022, for commission of offence under Section 420 IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Addl. District & Sessions Judge-cum-Special Judge (Vigilance), Angul by order dated 17.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned Senior Advocate for the Petitioner submits that the Petitioner is in custody since 23.07.2022 and as charge sheet has already been on 9.9.2022, his further continuance in custody, taking into account the nature of allegation, is punitive.

6. It is submitted by the learned counsel for the State that, notwithstanding the filing of the charge sheet, the Petitioner is not entitled to be released on bail keeping in view his criminal antecedent of similar nature.

7. It is borne out from the recitals in the case diary that an amount of Rs.37,55,000/- was ultimately credited to the account of the present Petitioner through two intermediaries, namely, Pradeep Kumar Mishra and Swatantra Pradhan.

8. Learned counsel for the State places the statement of Pradeep Kumar Mishra and Swatantra Pradhan. The statement of Pradeep Kumar Mishra reveals that the present Petitioner has not only duped the Informant on the promise to get his son a Post Graduate seat in Medical College but has also duped him to the tune of Rs.8 lakhs.

9. It is on record that the present Petitioner had issued five cheques to the tune of Rs.35 lakhs, details of which has been mentioned in the FIR, in favour of the Informant, which have been dishonoured and it is stated at the Bar that ICC Cases have been filed relating to the said cheques.

10. Taking into account the nature of allegation and filing of the charge sheet and ICC Case having been instituted in respect of the amount which are the subject-matter of the cheques, which have been dishonored, 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.

11. Additionally, it is directed that, keeping in view the criminal proclivity of the Petitioner, learned Court in seisin shall direct the Petitioner to furnish property security of Rs.30,00,000/-

(rupees thirty lakhs) to the satisfaction of the learned Court in seisin and he shall not leave the jurisdiction of the Court in seisin without its express permission.

12. Accordingly, the BLAPL stands disposed of.
13. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

PKS

