

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8706 of 2022

Babu Singh Kushwala

....

Petitioner

Mr. A.S. Nandy, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. B. Bhuyan, Adv.(OPID)

CORAM: JUSTICE V. NARASINGH

ORDER
12.12.2022

Order No.

03.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in connection with C.T. Case No.1(C) of 2022, pending in the Court of the learned Special Judge, OPID, Balasore, arising out of EOW P.S. Case No.01 of 2022, for alleged commission of offences under Sections 406/420/467/468/471/120-B of the IPC, Section 66 of IT Act read with Sections 4/5/6 of PCMS (Banning) Act and Section 6 of OPID (in Financial Establishment) Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned P.O. Designated Court, OPID, Balasore, by order dated 06.08.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted by the learned counsel that the petitioner is in custody since 16.06.2022 and charge-sheet is filed on 08.06.2022. Hence, further continuance of the petitioner in custody is unwarranted.

5. It is submitted by the learned counsel for the petitioner on instruction that whatever money has been collected by the petitioner has been duly deposited in the account. As charge-sheet has been filed and keeping in view the allegations which are more or less based on documents and all his accounts having been seized, his further continuance in custody is punitive.

5. Learned counsel for the OPID, on instruction, submits that the charge-sheet filed prima facie shows that the total amount involved is about Rs.8,95,00,000 (Rupees eight crores ninety five lakhs), which has been collected during the relevant period from 29.05.2019 to 09.10.2021 by the M/s Auroxa Deal Multitrade Private Ltd. (OPC).

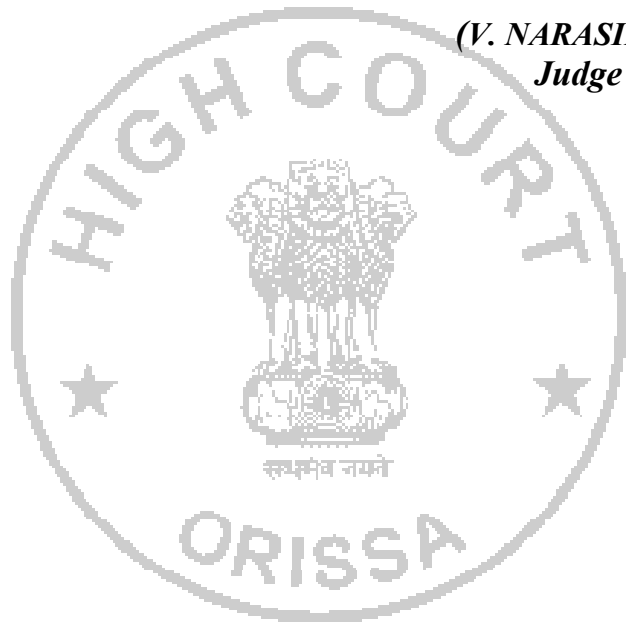
6. It is submitted that it's a one man company and the petitioner is at the helm of the affairs.

7. It is also submitted by the learned counsel for the OPID, Mr. Bhuyan that the petitioner does not reside within the territorial jurisdiction of the Court in seisin and in fact he is a man from Madhya Pradesh and there are 25 (twenty five) accounts both at Gwalior and Balasore and it is also further submission of the learned counsel for the OPID that further investigation relating to money trail and inter-state ramifications is going on and releasing the petitioner at this stage would impede further investigation.

8. Considering the submissions at the bar and keeping in view the role ascribed to the petitioner as the sole director of the M/s Auroxa Deal Multitrade Private Ltd. (OPC) and since investigation is kept open to further probe the money trail and inter-state ramifications, this Court is **not inclined** to entertain this bail application at this stage.

9. Accordingly, the BLAPL stands rejected.

Ayesha



(V. NARASINGH)
Judge