

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8711 of 2022

***Prakash Rout @ Prakash
Kumar Rout***

....

Petitioner

Mr. N. Jena, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
28.09.2022**

Order No.

01.

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. Learned counsel Mr. C. Samantray has entered appearance on behalf of the informant/victim. Vakalatnama filed on behalf of the informant/victim is taken on record. Name of Mr. C. Samantray be reflected in the file, in the cause list as well as in the CMS of this Court.
4. The petitioner is accused in C.T. Case No.271 of 2022, pending in the Court of the learned S.D.J.M., Phulbani, corresponding to Phulbani Sadar P.S. Case No.63 of 2022, for alleged commission of offences under Sections 417/420/467/468/471/294/506/34 of the IPC.
5. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Phulbani, by order dated 22.08.2022 in the aforementioned case, the present BLAPL has been filed.

6. It is alleged that the petitioner along with the co-accused have duped the informant in making deposit in a scheme promising higher rate of interest in the name and style of OAK India. It is submitted that being lured by such promise the petitioner has made deposits and it is on record that an amount of Rs.17,26,000/- (Rupees seventeen lakh twenty six thousand) has been transferred to the account of the petitioner.

7. Learned counsel for the petitioner submits that in the meanwhile a sum of Rs.10,16,000/-(Rupees ten lakh sixteen thousand) has been returned to the informant and hence it is stated that taking into account the period of custody and the filing of charge-sheet on 23.06.2022, further continuance of the petitioner is unwarranted.

8. Considering the competing claims, 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.

9. Additionally it is directed that the petitioner shall furnish cash/ property security to the tune of Rs.6,00,000/-(Rupees six lakh) to the satisfaction of the learned Court in seisin over the matter. In the event the petitioner deposits any cash towards the security, the same shall be kept in short term interest bearing account pledged in the name of the Court subject to the final outcome, other conditions to be fixed to ensure his presence on each date of trial.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha