

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8915 of 2022

Smruti Ranjan Mohanty

....

Petitioner

Mr. M. Kanungo, Sr. Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M. Mishra, ASC

Mr. S.R. Mohapatra, Adv. (Informant)

CORAM: JUSTICE V. NARASINGH

ORDER

09.12.2022

Order No.

04.

1. An appearance memo has been filed by Mr. M. Kanungo, learned Senior Advocate appearing for the petitioner in Court today. The same is taken on record.

2. Heard learned senior Advocate for the petitioner, learned counsel for the State and learned counsel for the informant.

3. The petitioner is an accused in C.T. Case No.4467 of 2022, pending in the learned S.D.J.M., Bhubaneswar, arising out of Badagada P.S. Case No.247 of 2022, for commission of alleged offences under Sections 420/406/465/468/471/467 of IPC.

4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 3rd Additional Sessions Judge, Bhubaneswar, by order dated 07.09.2022 in the aforementioned case, the present BLAPL has been filed.

5. It is submitted that the petitioner is in custody since 12.08.2022 and in the meanwhile as charge-sheet has been submitted on 10.11.2022, further continuance of the petitioner in custody is unwarranted.

6. On instruction, learned senior counsel submits that prima facie a civil dispute is being given a color of criminality and the petitioner has been arrayed as an accused.

7. It is submitted that the entire dispute is off shoot of the memorandum of agreement and for violation of which, the petitioner is being penalized.

8. Learned counsel for the informant on instruction submits that the petitioner has not only duped the informant but he has also criminal antecedents of similar nature.

9. It is submitted that in the meanwhile that the petitioner misusing the power of attorney which was issued in his favour has transferred the land in favour of third parties and he has also issued cheque of Rs.80,00,000/-(Rupees eighty lakhs) which has been dishonored and hence his bail application is not to be considered favourably merely because charge-sheet has been filed.

10. Considering that the petitioner is in custody since 12.08.2022 and the nature of the allegations, 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 the petitioner shall give property security to the tune of Rs.80,00,000/-(Rupees eighty lakhs) to the satisfaction of the Court in seisin.

12. Accordingly, the BLAPL stands disposed of.

13. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge