

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9189 of 2022

Deepak Kumar Nayak

....

Petitioner

Ms. M. Samal, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

04.11.2022

Order No.

03.

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 connection with G.R. Case No.537 of 2022, pending in the Court of learned JMFC,(City), Cuttack, arising out of the CID Crime Branch Cyber Crime P.S. Case No.06 of 2022 under Sections 419/420/467/468/471/120-B/34 of IPC read with Section 66C and 66D of the I.T. Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Judge (Vigilance), Cuttack, by order dated 16.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that he was not named in the FIR and even if the entire allegation of the prosecution is accepted at its face value, he has no complicity and it is submitted that in fact though the same has been taken note by the learned

Court below but for reason best known, his bail application was rejected.

6. It is further submitted that one Mr. Abinash Nayak, who is named in the FIR has since been released on bail by order dated 13.07.2022 in BLAPL No.5773 of 2022 by this Court. It is stated that since the petitioner is on a better footing, his bail application should be considered favourably.

7. Learned counsel for the State on the basis of order of rejection submits that taking into account the seizure made from the petitioner and the case has intra state ramifications and commission of offences of this nature in these days are rising alarmingly, the same cannot be lost sight of and the petitioner ought not to be released during the currency of investigation.

8. Considering the release of the co-accused, non-naming of the petitioner in the FIR and the role ascribed to the petitioner, 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 appear before the Investigating Officer once every seven days till the conclusion of trial and shall extend all cooperation. It shall be open to the Investigating Agency to seek variance of this order in the event the petitioner did not extend the desired cooperation.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha