

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9265 of 2022

Pandaba Bank and another ***Petitioners***

Mr. B.K. Ragada, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
29.09.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. The petitioners are accused in connection with G.R. Case No.433 of 2022, pending in the Court of learned J.M.F.C. Sohela arising out of Melchhamunda P.S. Case No.142 of 2022, for alleged commission of offences under Sections 395 of IPC and is in custody since 05.08.2022.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Assistant Sessions Judge, Sohela by order dated 29.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.
6. It is submitted by the learned counsel for the petitioners that the petitioners have been implicated on the basis of co-accused statement of one Gourishankar and it is also stated that placing

reliance on forwarding report, which taken on record that out of that cash that is involved in the crime of Rs.12,520/-, Rs.10,500/- (Rupees Ten Thousand and Five Hundred) has been recovered from the co-accused Gourishankar on the basis of whose statement the petitioners stated to have been implication.

7. It is submitted with vehemence that taking into account the basis of implication and further continuance of the petitioners who are in custody since 05.08.2022 is not warranted.

8. Keeping in view the manner of implication and recovery of the amount involved with the crime, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

9. While enlarging the petitioners on bail the learned court below shall verify assertion regarding their criminal proclivity. If it comes to the fore that the petitioners have any criminal antecedent this order shall stands recalled.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi