

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8428 of 2021

***Monalisa Bhagat @ Alaka
Sengupta***

....

Petitioner

Mr.Jyoti Patnaik, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K. Mohanty, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

18.05.2022

Order No.

06. 1. Heard learned counsel for the Petitioner, learned counsel for the State and learned counsel for the Informant.
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Lalbag P.S. Case No.115 of 2021, corresponding to G.R. Case No.491 of 2021, pending in the file of learned S.D.J.M.(S), Cuttack, for commission of alleged offence under Sections 419/420/467/468 /471/506/34 of I.P.C.
3. Heard learned counsel for the parties. Perused the FIR, Case Diary and statement of witnesses.
4. The sum and substance of the allegation made in the FIR is that the Petitioner had taken a sum of Rs.10,00,000/- (Rupees Ten lakhs) from the Informant to purchase a piece of land in Bhubaneswar in favour of the Informant. Since the Petitioner

could not provide the land, the Informant wanted his money back. The counsel for the Petitioner agreed to refund the money which has been paid by the Informant. However, he seeks some time to refund the money to the Informant.

5. In course of argument, both counsel for the Petitioner as well as Informant agreed that the Petitioner shall refund a sum of Rs.3,00,000/- (Rupees Three lakhs) within fifteen days from the date of release and balance amount of Rs.7,00,000/- (Rupees Seven lakhs) to be returned to the Informant in three monthly installments, i.e. Rs.2,50,000/-, Rs.2,50,000/- and Rs..2,00,000/- respectively within a period of three months from the date of release of the Petitioner on bail.

6. Learned counsel for the State though opposes the bail application of the Petitioner. He, however, submits that in the event Petitioner returns the amount to the Informant, he will not object to the same.

7. Having heard learned counsel for the parties and considering the custodial detention of the Petitioner and the fact that Petitioner is agreed to return the money of the Informant, this Court is inclined to release the Petitioner on bail subject to stringent conditions. Let the Petitioner be released on bail subject to furnishing bail bond of Rs.30,000/- (Rupees Thirty thousand) with two solvent sureties for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions :

- i) He shall not indulge in similar nature of offence;
- ii) He shall appear before the trial court on each and every date and shall cooperate for early conclusion of trial;
- iii) He shall not tamper with the prosecution evidence and shall not make any attempt to influence or threaten the witnesses;
- iv) He shall provide his address as well as his phone number to the concerned Police Station and keep the same updated in the event the same is changed in future;
- v) He shall appear before the concerned Police Station as and when required

8. In the event Petitioner violates any of the terms and conditions, the trial court is directed to revoke the said order of bail and NBW be issued against the Petitioner and he shall be taken to judicial custody.

9. With the aforesaid observation, the BLAPL stands disposed of.

10. Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge