

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.12664 OF 2021

Dinesh Chandra Das & Others ***Petitioners***
Mr. Milan Kanungo, Sr. Advocate
-versus-
Union of India (CBI) ***Opposite Party***
Mr. Sarthak Nayak, Spl. PP (CBI)

CORAM:
MR. JUSTICE D.DASH

ORDER
25.11.2022

Order No.

08. 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. The Petitioners by filing this Application under Section-438 of the Cr.P.C have prayed for grant of anticipatory in connection with CBI,ACB/CBI/SPE/ACB (Odisha), Bhubaneswar with the case pending the Court of Special Judge (CBI)-1, Bhubaneswar arising from RC0152021A0006 of 2021 (CBI, ACB), Bhubaneswar for alleged commission of offence under Section-120-B/420/471 of the IPC and under Section-13(2) read with 13(1)(d) of the Prevention of Corruption Act.
3. Learned Senior Counsel for the Petitioners submitted that the prosecution allegations are that the Company of the Petitioners being granted with long term lease of Quartzite and Manganese Ores in the District of Vijaynagaram and Srikakulam in the State of Andhra Pradesh has supplied the said Ores to the Roukela Steel Plant (RSP) based on the purchase orders and also being the lowest bidder in the e-auctions held for the purpose, during the period from 2013 to 2019 and that supply was not of the required quantity

and thus short supply of the Ores having been made, it is said that there has been misappropriation of the funds of the RSP by way of manipulation of documents in connivance with the Officials of the RSP including one Languli Charan Behera, Senior Operative T&RM, Rourkela Steel Plant. He further submitted that the allegations is thus made that in pursuance of the said conspiracy, the Petitioners have cheated RSP in creating fabricated weighment sheets and thereby submitting the inflated bills and have made wrongful gain. He further submitted that in the meantime, the investigation of the case is complete and charge-sheet has already been submitted and thereunder finding the evidence to be insufficient to arraign that Languli Charan Behera; he has not been placed for trial. It was also submitted that these Petitioners being under interim protection by the order passed by this Court on 29.10.2021, have all along cooperated with the trial and appeared before the Investigating Officer for about six (6) times when called. It was submitted that the case being based on documentary evidence, all those have been seized and these Petitioners have absolutely no access to those papers. He submitted that the allegation as to fabrication of those document is per se not acceptable. In view of all these above; he urged for grant of anticipatory bail to the Petitioners as according to him, at this stage, no useful purpose would be served by detention of the Petitioners.

4. Learned Special Public Prosecutor, CBI opposes the move. He however, does not dispute the position that the Petitioners have appeared before the Investigating officer during the investigation all throughout as and when required and that in the meantime, investigation of this case being complete, charge-sheet has been

submitted. He however, contended that the case relates to cheating at the behest of these Petitioners in order to make huge wrongful gain and in the process huge financial loss to the RSP has been caused and thus according to him, grant of anticipatory bail to the Petitioners would not be proper.

5. Keeping in view the submissions made, the materials being gone through, it is seen that the Investigation of the case is by now complete in every respect and said Languli Charan Behera, Senior Operative T&RM in Rourkela Steel Plant against whom the allegations had been leveled from the beginning has not been placed for facing the trial as the materials have not come to surface in showing his complicity. The F.I.R. allegation sands that criminal conspiracy had been hatched by the Petitioners being the Directors of the supplier Company and the Officials of the RSP including that Languli Charan Behera and pursuant to the same, short supply of Ores being made, excess payments have been taken by the Company of the Petitioners when they have not supplied the Ores up to the value of the amount received. These Petitioners are the permanent residents of the State of Odisha and being under interim protection since 29.10.2021, it is not stated that they have not cooperated with the investigation. It is not disputed that they have appeared before the Investigating Officer as and when required, when it is also not alleged that they at any point of time, have deliberately avoided to do so and suppressed any such important materials creating any hurdle in the investigation nor have acted in any manner so as to divert the focus of the investigation in different direction.

6. In view of all the aforesaid, while accepting the submission of learned Senior Counsel for the Petitioners that further detention

of the Petitioners under the circumstance would serve no useful purpose; it is directed that in the event, the Petitioners surrender before the Court in seisin of the case within a period of three weeks hence and move for their release on bail; they shall be released on bail on such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that they will surrender their Passports before the said Court and in case all or any one of them have not been issued with any such Passport; they shall furnish affidavits to that effect in further indicating their present and permanent address as also contact cell phone number(s) and in case of any change would intimate the same in the that manner.

Violation of condition(s) shall entail cancellation of bail.

5. The ABLAPL is accordingly disposed of. .
Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**