

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8706 of 2021

Rama Chandra Nag @Sundar *Petitioners*
Mr. Prasanta Nanda, Advocate
-versus-
State of Odisha *Opposite Party*
Mr. K.K. Nayak, ASC for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
06.04.2022

Order No.

04. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner and learned counsel for the State. Perused the Case Diary, FIR and statement of witnesses.
3. This is an application under Section 439 Cr.P.C. filed by the Petitioners for bail in connection with Mathili P.S. Case No.112 of 2021, corresponding to G.R. Case No.585 of 2021, pending in the file of learned Additional Sessions Judge, Malkangiri, for commission of alleged offence under Section 395 of I.P.C.
4. The case of the prosecution, in a nutshell, is that one Pramod Kumar Behera, S/o. Bhagaban Behera, who is working as an Assistant Director of Soil Conservation Department at Mathili in the district of Malkangiri presented a written report

alleging therein that Petitioner No.1 was working as Secretary of Daiguda Watershed Project 7 years ago. Since last 4 months, the aid Petitioner No.1 was working as a Collector Agent under Rainfed Area Development (RAD) Project, who are collecting from the beneficiaries of Mendukuli, Duraguda, Ramaguda and Baman Guda village and deposited the said money before the complainant to provide Plant, Fertility and other Instruments to the said beneficiaries. On 14.7.2021, he had contacted with said Petitioner No.1 over telephone regarding deposit of money collected from the beneficiaries. As it is night time, so the complainant directed Petitioner No.1 to deposit the said money on tomorrow morning i.e. on 15.07.2021 but the Petitioner No.1 has forced to keep the said money of Rs.8,714,100/- on reaching at the office of the Asst. Director, Soil Conservation, Mathili. Complainant was walking inside the campus at that time, Petitioner No.1 has entered to his office chamber and requited to bring the diary to make necessary entry regarding details of collected money from the beneficiaries while the complainant searching the said diary. At the time, two unknown culprits being armed with knife, enter the chamber with covering his face and trying to snatch the Bag containing cash. When the complainant tried to nab the same, another culprits covering his face and assaulted him. While the first culprits have fled away from the spot thereafter, another culprit had also run away from the chamber. Accordingly, Mathili P.S. Case No.112 of 2021 was lodged against the accused persons.

5. Learned counsel for the Petitioners submits that Petitioners are languishing in jail custody since the date of their arrest, i.e. 15.07.2021. It is submitted that the allegations made against the Petitioners are false and fabricated just to harass the Petitioners. Learned counsel also submits that as Petitioners are permanent residents of the locality, so there is no chance of absconding or tampering with the trial of the case. It is further submitted that the co-accused persons have been released on bail by order of this Court dated 15.12.2021 passed in BLAPL No.8765 of 2021. Accordingly, the bail application of the Petitioners may be considered for bail with the similarly situated persons.

6. Learned counsel for the State vehemently objects the bail application of the Petitioners and submits that the Petitioners are indulging with heinous offences, therefore they should be enlarged on bail.

7. Having regard to the facts and circumstances of the case, considering the nature and gravity of offences alleged and the period of detention of the Petitioners, this Court is inclined to release the Petitioners on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) each with one local surety each for the like amount to the satisfaction of the learned court in seisin of the matter subject to the following conditions :

i) They shall not involve themselves in any other offence during the period of bail;

(ii) They shall appear before the trial court on each and every date as fixed by the court;

(iii) They shall not tamper with the prosecution evidence;

(iv) They shall not influence or threaten any prosecution witness and cooperate in the investigation;

(v) They shall provide their present address and mobile number to the I.O. and if any changes therein shall also be intimated to the I.O.;

(vi) They shall not leave the jurisdiction of the court without special permission from the court; and

(vii) Violation of any of the above conditions shall entail cancellation of the bail.

8. It is further directed that the court in seisin of the matter to verify the criminal antecedents of the Petitioners and impose any additional condition(s), if situation so warrants. This order shall remain valid in the event the court in seisin of the matter is satisfied that Petitioners have no criminal antecedents.

9. With the above direction, the BLAPL is accordingly allowed.

10. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge