

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9759 of 2022

Subrat Kumar Sethy@Subrath

Petitioner

Mr.M.Kanungo,
Advocate

-versus-

State of Odisha

Opposite Party

Mr. S.Jena, ASC

CORAM:

MR. JUSTICE D.DASH

ORDER

19.12.2022

Order No.

01. 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. This is the successive journey of this petitioner, who is in custody in connection with Keonjhar Town P.S. Case No.71 of 2019 corresponding to C.T. Case No. 1(C) of 2019 pending in the Court of the learned Additional Sessions Judge-cum-Designated Court (OPID), Balasore for offence punishable under section 420/120-B of the IPC read with section 4, 5 and 6 of PCMC(B) Act, 1978 in filing this application under section 439, Cr.P.C. for his release on bail.
3. Learned counsel for the Petitioner submits that in this case, the co-accused, namely, Antaryami Behera, who is also the Director of the Company, said to have been involved in the activity of collection of deposit from several depositors and cheating them, has already been released on bail by the order passed by this Court in BLAPL No.1029 of 2022. He further submits that in the meantime, witnesses examined from the side of the prosecution including the independent witnesses have not supported the prosecution case and the Petitioner is languishing in custody since 07.03.2019. He submits that the documents collected in course of investigation are now in the custody of the Court and, therefore, the question of tampering with those at this stage, does not arise. In view of all these

above, he urges for reconsideration of the prayer for grant of bail to the Petitioner.

4. Mr. Anil Nayak, learned counsel for the State in OPID case does not dispute the position that co-accused Antaryami Behera has been released on bail. He, however, submits that this Petitioner is the Managing Director of the Company.

5. Considering the submissions made and on going through the materials on record, as placed; further taking into account the surrounding circumstances including the period of detention of the Petitioner in custody as also the factum of grant of bail to the co-accused who was the Director of that Company; while being inclined to reconsider the prayer for grant of bail to the Petitioner, it is directed that the Petitioner be released on bail by the Court in seisin of the case on such terms and conditions as deemed just and proper with further condition that the Petitioner will appear in person before the Court in seisin of the case on each date of posting of this case till conclusion of the trial; and will surrender his passport, if he so possess.

6. The BLAPL is accordingly disposed of.
Issue urgent certified copy of this on proper application.

(D. Dash)
Judge