

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10075 of 2022

Rafudin Khan

....

Petitioner

Mr. G.N. Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

07.12.2022

Order No.

04.

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner is an accused in G.R. Case No.630 of 2022 pending before the Court of the learned JMFC, Banarpal, arising out of Banarpal Case No.217 of 2022, for alleged commission of offences under Sections 294/420/467/468/471/406/34 of IPC.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional District & Sessions Judge-cum-Special Judge (Vigilance) Angul, by order dated 17.08.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted by the learned counsel that the petitioner is in custody since 20.07.2022 and in the meanwhile as charge-sheet has been filed in the month of September 2022, further continuance of the petitioner in custody is unwarranted more so when co-accused has been released on bail by this Court by order dated 29.09.2022 in BLAPL No.7123 of 2022.

5. Learned counsel for the State opposes the prayer inter alia on the ground that the petitioner is not similarly circumstanced with the co-accused who has since been released, as the entire amount which has been collected from the aspirant, who are assured job in Railways, was transferred to the account of the petitioner.
6. Learned counsel for the petitioner places on record an affidavit filed by the father of the petitioner to deposit Rs.5,00,000/- (Rupees five lakhs) cash security in Court for his bail.
7. Taking into account the filing of charge-sheet and the nature of allegations and the period of custody, this Court directs the petitioner to be released on bail. Learned Court in seisin over the matter shall fix the terms so as to ensure the presence of the petitioner on each date of trial.
8. Additionally it is directed that the petitioner shall furnish cash security of Rs.5,00,000/- (Rupees five lakhs), as undertaken and the same shall be kept in a short term interest bearing account which shall abide by the final outcome of the case.
9. Accordingly, the BLAPL stands disposed of.
10. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

Ayesha