

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10232 of 2022

Pradeep Kumar Gouda

....

Petitioner

Mr. P.K. Satapathy, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
09.11.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in G.R. Case No.1928 of 2022, pending in the file of learned S.D.J.M., Berhampur arising out of Badabazar P.S. Case No.209 of 2022, for alleged commission of offence under Sections 419/420/406/294/506 of IPC and is in custody since 24.08.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 1st Additional Sessions Judge, Berhampur, Ganjam by order dated 26.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the present informant as complainant has filed 1 C.C. Case No.166 of 2020 under Section 138 of the NI Act, citing the present petitioner as an accused on account of dishonor of three cheques for total amount of Rs.4,50,000/- (Rupees Four Lakh Fifty Thousand)

only which he had given to the present petitioner-accused as a friendly loan.

6. Learned counsel for the petitioner draws attention of this Court to the recitals to the said effect in Paragraph- i, ii, and iii of the complaint petition under Paragraph-8 “Facts of the case”.

7. It is submitted that for the self-same amount, the present FIR has been filed against the present petitioner and his wife. It is also submitted that in the FIR the informant has given out completely different reason in as much as it is stated that in order to provide jobs to the sons the petitioner-accused has taken the aforesaid amount.

8. It is further submitted that in view of the said FIR, the petitioner is in custody since 24.08.2022. Hence, his further continuance in custody is not warranted.

9. Learned counsel for the State relying on the order of rejection opposes the prayer for bail.

10. Considering the inter se dispute between the parties as borne out from the complaint petition which is on record, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

11. Accordingly, the BLAPL stands disposed of.

12. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge