

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10294 of 2022

Antaryami Behera

....

Petitioner

Mr. Milan Kanungo, Sr. Advocate

-versus-

State of Odisha (OPID)

....

Opposite Party

Mr. Anil Kumar Nayak, Counsel for State (OPID)

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

22.11.2022

Order No.

- 03.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. M. Kanungo, learned senior counsel for the Petitioner and Mr. A.K. Nayak, learned counsel for State (OPID).
 3. This is an application under Section 439 Cr.P.C. for grant of bail to the Petitioner Antaryami Behera in connection with Keonjhar Town P.S. Case No.71 of 2019 corresponding to C.T. Case No.1(C)/2019 pending in the court of learned PO, Designated Court (OPID), Balasore for alleged commission of offences under Sections 420/120-B of the Indian Penal Code and Sections 4, 5 and 6 of the Prize Chits Money Circulation Scheme (Banning) Act, 1978 and Section 6 of the Orissa Protection of Interest of Depositors (in Financial Establishments) Act, 2011.
 4. It is submitted on behalf of the Petitioner that he is inside custody since 8th March, 2019 and in the meantime 7 witnesses out of 9 charge-sheeted witnesses have already been examined in course of trial. By referring to the copies of depositions of those witnesses, it is submitted by Mr. Kanungo, learned Sr. Counsel that the independent witnesses, who are stated to be the depositors from whom money was

allegedly collected by the Petitioner and the accused company, have turned hostile.

5. Mr. Kanungo emphatically submits that, subsequent I.O. of the case whose examination is awaiting for conclusion of trial, is not turning up and she is not able to come to depose due to her advance stage of pregnancy.

6. Mr. Nayak on the other hand opposes the prayer for bail by stating that the Petitioner is one of the Directors of the company namely GAH Multi Trade Private Limited and the initial investigating Officer in his evidence as P.W.7 has proved those documents relating to the company to show illegal transactions.

7. After hearing both parties, it reveals that seven witnesses have been examined in course of trial, whose deposition copies have been filed under Ext.3 series. 38 documents have in the meantime been marked for prosecution. P.W.2 to 4, the independent witnesses have not supported the prosecution case. Upon perusal of the copies of depositions of all those witnesses, particularly P.W.1 and 5, as well as the period of detention of the Petitioner inside custody and the stage of trial, it is directed to release the Petitioner on bail in the aforesaid case on such terms and conditions to be fixed by the learned court in seisin over the matter including the condition that, the Petitioner shall attend the trial court on each date fixed.

8. The BLAPL is disposed of.

9. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge