

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9257 of 2021

Kshetramohan Tripathy

....

Petitioner

Mr. Gyanaloka Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K. Mohanty, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

27.04.2022

Order No.

07. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Lalbag P.S. Case No.229 of 2021, corresponding to G.R. Case No.1077 of 2021, pending in the file of learned S.D.J.M.(S), Cuttack, for commission of alleged offences under Sections 419/420/467/468/4714/120-B/34 of I.P.C.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. The prosecution case, in brief, is that the complainant-Suresh Kumar Mohanty, Sr. Branch Manager, Union Bank of India, OSBC lodged an FIR before the IIC, Lalbag P.S. on 03.09.2021 alleging that on the request of one Satya Sankar Satpathy, Prop. M/s. Hara Parbati Agency, the Bank disbursed a

sum of Rs.60,00,000/- for his trading business of Britannia product on 28.01.2019. While taking loan, he mortgaged immovable property at Mouza-Paikarapur, Chandaka. After few months of availing the credit facility, since the borrower defaulted in repayment of dues despite repeated request and demand the bank filed a suit before the Debts Recovery Tribunal, Cuttack against the borrower and guarantor Rabi Narayan Satpathy and Satyabadi Baliarsingh. On receipt of notice, Mr. Satyabadi Baliarsingh contended that he has no knowledge about the loan and he had not put any signature in any documents. Satya Sankar Satpathy and Rabi Narayan Satpathy created the PAN, Voter ID of Satyabadi Baliarsingh fraudulently and signed in the name of Satyabadi Baliarsingh by impersonating him. By this way, they have cheated Rs.60,00,000/- in furtherance in their common intention. Hence this FIR.

5. Learned counsel for the Petitioner submits that Petitioner is languishing in jail custody since the date of his arrest, i.e. 11.09.2021. It is further submitted that police after investigation submitted charge-sheet against the Petitioner keeping the investigation open. It is submitted that the co-accused persons, namely, Raj Kishore Swain has been released on bail by this Court. It is further submitted that Petitioner is a resident of the locality, therefore there is no chance of avoiding the trial of the case in the event of release on bail.

6. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner. He submits that the allegation made against the Petitioner is serious in nature. Moreover, two co-accused persons have not yet been apprehended by the police. In such view of the matter, he opposes the bail application of the Petitioner.

7. Considering the submissions made, the nature and gravity of offence alleged and taking into consideration the fact that one of the co-accused has already been released on bail by this Court, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with two local sureties for the like amount to the satisfaction of the learned court in seisin of the matter subject to the terms and conditions as deem fit and proper by the learned trial court.

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

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

(A.K. Mohapatra)
Judge