

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9503 of 2021

Akshaya Kumar Panda

....

Petitioner

Mr. K. Pattnaik, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. G.C. Rout, Additional Standing Counsel

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

12.01.2022

Order
No.

01. 1. This matter is taken up through video conferencing mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. This is an application under Section 439 of Cr.P.C for grant of bail to the petitioner in connection with Jagatpur P.S. Case No.281 of 2021 corresponding to G.R. Case No.1684 of 2021 pending in the file of learned J.M.F.C.(R), Cuttack on the grounds stated therein.
4. Perused the impugned order dated 26.10.2021.
5. Learned counsel for the petitioner submits that the present accused was junior most team leader and he was in-charge of collecting cash from the delivery boys and deposit the same but is alleged to have misappropriated an amount of Rs.10,27,774/- which could be revealed during and in course of audit held in the month of April, 2021 almost after two months of the alleged transactions and considering the above fact and submission of charge sheet in the

meantime, the petitioner should be enlarged on bail with any conditions which is objected to by the learned counsel for the State on the ground that the accused did the mischief being the cashier and responsible for collecting money by making double entries in the official record and therefore, not to be enlarged on bail.

6. The impugned order dated 26.10.2021 reveals that the petitioner was a Team Leader in Flipkart company and in-charge of collecting money from the delivery boys and during audit, the shortage in collection was detected, where after, the FIR was lodged. It is alleged that an amount of Rs.10,27,774/- was not deposited by the petitioner. It is contended that the collection was made and thereafter, third party received the deposit and accounted it with company. It is informed to this Court that there has been no recovery made from the petitioner. It is a fact that immediately after the transactions, no complaint was lodged. The shortage and deposit of collected money was revealed only during the audit of the company. In the meantime, as informed, the investigation stands closed. The petitioner claims of having no criminal antecedent. The petitioner is in custody since 21.08.2021.

7. Having regard to the above facts and period of detention which is almost four months by now and taking into account the nature of allegation, the Court is of the humble opinion that the accused should be enlarged on bail with conditions and accordingly, it is ordered.

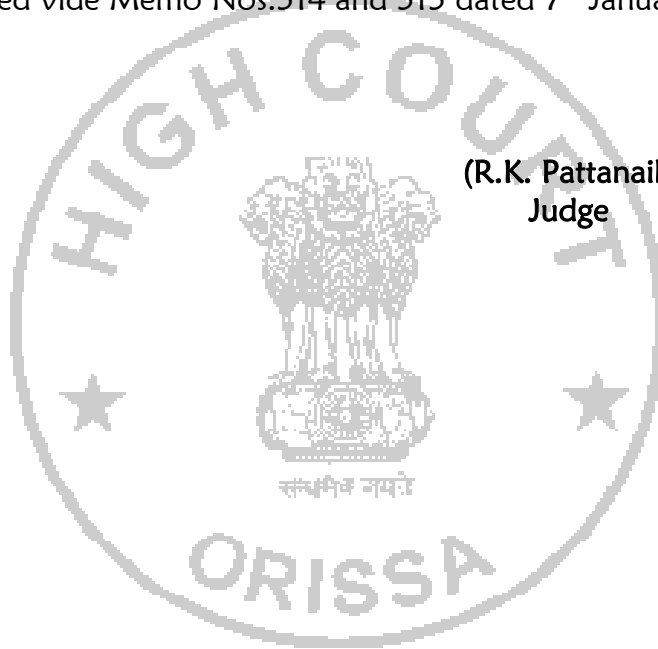
8. In the result, the petitioner is allowed to go on bail on furnishing a bail bond of Rs.50,000/-(rupees fifty thousand) with one solvent surety for the like amount to the satisfaction of the learned court below in seisin over the matter, who shall impose

such other conditions, as deemed just and proper, in the facts and circumstances.

9. The BLAPL is disposed of.

10. As the restrictions due to the COVID-19 situation are continuing, learned counsel for the parties may utilize a soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner prescribed, vide Court's Notice No.4587, dated 25 March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(R.K. Pattanaik)
Judge



TUDU