

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9613 of 2021

Laxmikant Meher

....

Petitioner

Mr.Satya Narayan Mishra-4, Advocate

-Versus-

State of Odisha

Opposite Party

Mr.S.N.Das, ASC

CORAM:
JUSTICE R.K.PATTANAIK

Order No.

ORDER
11.01.2022

1. This matter is taken up through video conferencing mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. ★ This is an application under Section 439 Cr.P.C. for grant of bail to the petitioner in connection with Tumudibandh P.S. Case No. 65 of 2021 corresponding to C.T. Case No. 86 of 2021 pending in the court of learned J.M.F.C., Tumudibandh.
4. Perused the F.I.R. and the impugned order dated 22.10.2021 under Anneuxre-2.
5. Gone through the contents of the F.I.R.
6. Learned counsel for the petitioner submits that the amount was collected by the informant and subsequently, handed over to the present accused who is alleged of having false promise to provide job some persons as a Security Guard but then neither the promise was kept nor the money was

returned for which the report was lodged and in that connection, he was arrested but no cash has been recovered from him and he is in custody since 03.09.2021, considering which he should be released on bail with any conditions.

7. Learned counsel for the State submitted that the case diary is not available and the petitioner might be having criminal antecedent in response to which it is informed to the Court by the learned counsel for the petitioner that the accused is having three more cases.

8. It is further submitted by the learned counsel for the petitioner that the said three cases i.e. Junagad P.S. Case No.390 of 2017, Khariar P.S. Case No. 306 of 2020 and Phulbani Town P.S. Case No. 90 of 2019 registered under Section 420 IPC, the accused has been granted bail in those cases. It is the case where the petitioner received money with the promise to provide job some persons and when it did not materialize, the informant lodged the report, as informed to this court he was arrested by the local police and then, since he is in judicial custody. It is also apprised to the Court that no recovery of money has been made from the possession of the petitioner. The F.I.R. reveals that the petitioner collected Rs.20,000/- each from the different persons with total amount of Rs.2,95,000/-. It is not revealed from the impugned order under Annexure-2 whether any such recovery and seizure have been made by the informant.

9. Having regard to the above facts, the detention of the petitioner since 03.09.2021 and recording the submission of the learned counsel for the petitioner there is no seizure of money made from the accused and the fact that he is on bail

on all the criminal cases, the Court is of the considered view that the accused is released on bail with conditions.

10. In the result, it is directed that the petitioner be released on bail on furnishing a bail bond of Rs.30,000/- (rupees thirty thousand) with one solvent surety for the like amount each to the satisfaction of the learned court below in seisin over the matter with conditions that he shall not commit similar offence and involved himself any such criminal activities in any manner, whatsoever, while on bail; and shall report the I.O. once in a fortnight preferably on Sunday in between 10.00 A.M. to 1.00 P.M. for the purpose of investigation.

11. The above order shall not be given effect to if the learned court below on verification finds the presence of any criminal antecedent in similar nature other than the present case and the petitioner is found not to be on bail in other 3 cases as mentioned in the impugned order at Annexure-2.

12. The BLAPL is accordingly disposed of in the above terms.

13. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No. 4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos. 5143 and 515 dated 7th January, 2022.

(R.K.Pattanaik)
Judge

