

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9618 of 2021

Karan Kumar Biswal @ Karan Biswal Petitioner

Mr. N.N. Mohapatra, Advocate

-Versus-

State of Odisha Opposite Party

Mr. G.N. Rout, Additional Standing Counsel

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
11.01.2022

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 Mahuldiha P.S. Case No.47 of 2019 corresponding to G.R. Case No.386 of 2019 pending in the file of learned S.D.J.M., Karanjia on the grounds stated therein.
4. Perused the FIR and impugned order dated 27.08.2021 under Annexure-2.
5. Gone through the contents of the FIR (Annexure-1).
6. Learned counsel for the petitioner submits that the present accused did not play any role in the incident in so far as the allegation in the FIR is concerned, inasmuch as, the amount which has been withdrawn from the account of the informant was transferred to account of another accused, namely, Akshya Biswal

which has in the meantime been freezed, considering which, he should be enlarged on bail with any conditions which is objected to by the learned counsel for the State on the ground that the informant was cheated and was parted with two cheques with the alleged promise of providing a job in a godown of agricultural department with a salary of Rs.18,000/- per month.

7. In fact, the informant was approached by two unknown persons and made the said promise and in due course, former handed over the two cheques of Rs.1000/- each to them and thereafter could know that someone fraudulently managed to withdraw an amount of Rs.4,01,000/- from his account and transferred to the account of one Akshya Biswal, who is claimed to be presently in judicial custody. It is submitted that the account of the said accused has been freezed. However, the impugned order dated 27.08.2021 reveals that an amount of Rs.1,87,000/- was later on withdrawn by the accused, namely, Akshya Biswal. In fact, there seems to be no direct role which is claimed to have been played by the petitioner as the amount was transferred to the account of another accused. The learned counsel for the State submits that there is no material in the case diary to show that the petitioner is having any other criminal case of similar nature.

8. Having regard to the above facts, detention of the petitioner in judicial custody and absence of any specific role attributed against him and the fact that the amount has been transferred to the account of another accused, who is said to be in judicial custody, the Court is of the considered view that he should be enlarged on bail with conditions and accordingly, it is ordered.

9. In the result, the petitioner is allowed to go on bail on furnishing a bail bond of Rs.30,000/-(rupees thirty 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.

10. The BLAPL is disposed of.

11. 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

