

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 14113 of 2022

Amit Kumar Mishra and another* *Petitioners
Dr. Niranjan Swain, Advocate

-versus-

State of Odisha* *Opp. Party
Mr. S. Patra. K. Mohanty, ASC.

CORAM:
JUSTICE CHITTARANJAN DASH

ORDER
07.12.2022

Order No.

02. 1. Heard learned counsel for the Petitioners and learned counsel for the State.
2. By means of this application, the Petitioners seek grant of anticipatory bail U/s. 438 Cr.P.C. in apprehension of arrest for their alleged involvement in the offences under Sections 294, 323, 324, 420 & 506/34 of IPC.
3. Learned Counsel for the Petitioners, inter alia, submits that the present Petitioners are no way connected to the present case since the entire allegation is aimed at Suraj Kumar Laguri and Rohit Mahanta. It is further submitted by learned Counsel for the Petitioners that the Petitioners themselves being defrauded by Rohit Mahant and Suraj Kumar Laguri, have lodged complaint before the IIC, Shree Lingaraj Police Station and as such they are no way connected to the present case. According to learned Counsel, money allegedly to have been credited to the account of Sreepriya Mishra has been transmitted to the account of Rohit Kumar

Mahanta and no part of the money was credited to the account of the Petitioners. Shreepriya Mishra was retained by her as against providing service to anybody.

4. Learned Counsel for the State on the other hand, submitted that the investigation discloses a statement issued by the Bank reflecting the manner in which money has been credited to the account of the Petitioner-Shreepriya Mishra. The submission of learned Counsel for the Petitioners that all the money which was credited to the account of Shreepriya Mishra was being remitted to the account of Rohit Kumar Mahanta, which clearly indicates a nexus between the said Rohit Kumar Mahanta and Petitioners and as such no leniency cannot be shown to the Petitioners in granting bail.

5. In view of the submissions of the parties and perusal of the case record as obtained by the learned Counsel for the State it emerges that on series of occasions, the complainant Manas Ranjan Das remitted money to Petitioner No.2-Shreepriya Mishra during the period from 22nd September, 2020 to 14th December, 2020. Consequently, the submission of the learned Counsel for the Petitioners that the said money was deposited with Petitioner No. 2-Shreepriya Mishra upon transmitted to Rohit Kumar Mahanta without having any nexus in the alleged misgiving to the public providing service is only myth and there is a strong prima-facie material to indict the conduct of the Petitioners involving them in the collection of money is against providing services. The submission of the learned Counsel for the Petitioners that Amit Kumar Mishra is the proprietor of the registered society under the name and style of Jay Maa Tarinee Enterprises with an object of providing manpower supply tags service of automobile renting

services upon registration with the GST and obtaining UDYAM certificate under MSME, Government of India might be one of the areas where the said firm would be working, but then the very fact that the money transferred to the account of Shreepriya Mishra, inter alia, providing services and the transmission of the money, if any, to the account of Rohit Kumar Mohanta clearly suggests that there was a nexus between the Petitioners and the said Rohit Kumar Mahanta in alluring people providing service against money under the said fact and circumstances.

6. Keeping in view the submission of the parties, the nature of allegations as emerged from the materials on record, the circumstances appearing, the seriousness and gravity of the offences, this court is not inclined to grant anticipatory bail to the Petitioners. Accordingly the prayer for bail stands rejected and the ABLAPL is dismissed.

(Chittaranjan Dash)
Judge

B.K Sahoo/AKPradhan