

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11424 of 2022

Shyama Sundar Sahu* *Petitioner

Mr. J. Sahoo, Advocate

-versus-

State of Odisha* *Opp. Party

Mr. Arupananda Das
Addl. Government Advocate

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
19.12.2022**

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 439 of Cr.P.C. in connection with Cuttack C.I.D. P.S. Case No.16 of 2021 corresponding to G.R. Case No.1611 of 2021 pending in the Court of learned S.D.J.M., Berhampur for offences punishable under sections 379/419/420/404/409/193/120-B/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Additional Sessions Judge, LR & LTV, Berhampur which was rejected on 14.11.2022.

Learned counsel for the petitioner submitted that the petitioner is an Advocate of Berhampur Bar and he is aged about seventy years and the accusation against him that he had taken the cheques of the claimants awarded in a MACT case and deposited in the respective bank accounts of the claimants and thereafter, a sum of Rs.1,40,000/- (rupees one lakh forty thousand) was transferred to his account from the account of one of the claimants. He further submitted that the petitioner is ready and willing to deposit Rs.1,40,000/- (rupees one lakh forty thousand) in the Court below and since the investigation has already been completed and charge sheet has been submitted under sections 379/419/420/404/409/193/120-B/34 of the Indian Penal Code, which are all triable by Magistrate and one of the co-accused has been granted anticipatory bail in ABLAPL No.12912 of 2021 vide order dated 06.09.2022, the bail application of the petitioner may be favourably considered. Learned counsel for the petitioner has filed the certified copy of the charge sheet, which is taken on record.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, the age of the petitioner and the amount involved in the case, I am

inclined to release the petitioner on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing cash security of Rs.1,40,000/- (rupees one lakh forty thousand) and bail bond of Rs.50,000/-(rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with further conditions as the learned Court may deem just and proper with further conditions that the petitioner shall appear before the learned trial Court on each date when the case would be posted for trial and shall not indulge in any criminal activities in any manner and shall not try to tamper with the evidence.

The aforesaid amount of cash security shall be kept in any Nationalized Bank in a short-term fixed deposit scheme, which shall be renewed from time to time till the conclusion of trial and its disbursement shall be subject to the judgment of the learned trial Court.

Violation of any terms and conditions shall entail cancellation of bail.

Accordingly, the BLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge

