

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10419 of 2021

Abinash Kumar Pradhan

....

Petitioner

Mr. B.P.Pradhan,
Advocate

-versus-

State of Odisha (EOW)

....

Opposite Party

Mr.A. Pradhan,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

19.01.2022.

Order No.

03.

1. This matter is taken up through hybrid mode.
2. Heard Mr. B.P.Pradhan, learned counsel for the Petitioner and Mr. A. Pradhan, learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 19th October, 2021 in connection with EOW, Odisha, Bhubaneswar P.S. Case No.8/2021 pending in the court of learned S.D.J.M., Sonapur corresponding to G.R. Case No.101/2021 for the alleged commission of the offences under Sections

467/468/471/420/406/120-B of I.P.C read with Section 66 (C) and 66 (D) of I.T. Act, 2008.

4. The prosecution allegation is that the Petitioner by conspiring with several other persons siphoned money amounting to Rs.5,01,50,000/- from the Bank account of National Health Mission (NHM), Subarnapur by hacking the said Bank account and utilizing forged documents. The case was registered on the basis of an F.I.R. lodged by the Additional District Public Health Officer, (VBD) Subarnapur alleging that the aforementioned amount was found to have been transferred in favour of M/s.Naturals by forging the signature and seal of CDM & PHO and ADPHO (F.W) in the PFMS copy submitted to the Bank. Though no one was named in the F.I.R. yet in course of investigation, the complicity of the present Petitioner and several other persons came to light where upon they were arrested. Investigation having been completed in the meantime, charge sheet has been submitted keeping the investigation open under Section 173(8) of Cr.P.C.

5. It is argued by Mr. B.P.Pradhan, learned counsel for the Petitioner, that in so far as the Petitioner is concerned, there is absolutely no material to link him with the alleged occurrence except for the fact that the mobile phone which was used in the occurrence belongs to his sister. It is further contended that there is not even a whisper of allegation that the Petitioner had any role to play in hacking the account of the NHM.

6. Mr. A. Pradhan, learned Addl. Standing Counsel for the State, on the other hand, has opposed the prayer for bail by submitting that the investigation has revealed that the Petitioner is the main conspirator and since he faced loss in his business he persuaded the other accused persons to siphon money from the account of NHM by utilizing the user I.D. and password, which was known to the co-accused-Rajkishore Nayak.

7. It is true that the Petitioner's name does not find place in the F.I.R., but then the F.I.R. was lodged at the earliest stage when the crime was detected but the perpetrators thereof were not known. The complicity of the Petitioner and the other accused persons has come to light after thorough investigation, which reveals that the Petitioner being closely associated with other accused persons hacked the conspiracy to siphon the money by transferring it to another account. It has further come to light that the Petitioner arranged the mobile phone which was used for generating the final PPA slip in PFMS Portal. Therefore, it cannot be said that the Petitioner is not connected with the alleged occurrence, rather there are adequate materials, prima facie, to show that he also played a major role therein.

8. Having regard to the above facts, the fact that substantial amount of Government money has been swindled as also the factual position that despite submission of charge sheet investigation is still open to collect evidence and to examine the liabilities of other persons in the case, I am not inclined to

allow the prayer for bail of the Petitioner at this stage. The BLAPL is, therefore, rejected.

AKB

(Sashikanta Mishra)
Judge

