

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10452 of 2021

Bhaktu Sardar Majhi

....

Petitioner

Mr. Sk. Zafarulla, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. P.K. Pattnaik, AGA

CORAM:

JUSTICE G. SATAPATHY

ORDER

16.11.2022

Order No.

- 04.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the petitioner for grant of bail in connection with G.R. Case No.227 of 2021 arising out of CID CB Cyber Crime P.S. Case No.11 of 2021 pending in the file of learned J.M.F.C., Nimapara for commission of offences punishable under Sections 419/420/468/471/120-B/34 of IPC read with Section 66(C)/66(D) of I.T. Act, on the allegation of committing cheating and fraud by taking the help of Facebook account and other modes of payment Gate ways.
 3. In the course of hearing of the bail application, Mr. Sk. Zafarulla, learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any crime but he has been falsely implicated in this case and the petitioner is inside the custody since 21.09.2021. It is further submitted that after conclusion of investigation, charge-sheet has already been placed and

co-accused against whom there is graver allegation has already been granted bail in BLAPL No.9641 of 2021 and even if the materials on record are considered to be true, the petitioner is found to have received Rs.80,000/- only towards his commission . Learned counsel for the petitioner under aforesaid submissions prays to enlarge the petitioner on bail.

4. On contrary, learned counsel for the State submits that although co-accused has been released on bail, but the present petitioner is one of the principal accused and the petitioner is a part of the larger conspiracy and he has cheated money from educated person by way of inducing him to deposit money in different accounts of accused persons. It is, accordingly, prayed by learned counsel for the State to reject the bail application of the petitioner.

5. Considering the rival submissions made, nature and gravity of the accusations, the manner and circumstance of the crime and the alleged role played by the petitioner and regard being had to the release of co-accused-Sangram Keshori Jena on bail and the fact that charge-sheet has already been placed in this case, but no material is being placed on record indicate that the petitioner would abscond or tamper with the evidence, this Court considers the bail application of the petitioner leniently.

6. Hence, the prayer for the bail of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.50,000/- with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall attend the trial Court on each date of posting without

fail unless his attendance is dispensed with and that he shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case and that the petitioner shall report attendance before the jurisdictional Police Station once in a fortnight preferably on second Saturday every month in between 10 A.M. to 12 Noon. The I.I.C. of jurisdictional Police Station shall not detain the petitioner unnecessarily after recording his attendance beyond the time as stipulated.

It is clarified that the Court in seisin of the case is at liberty to cancel the bail of the petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.
8. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

Subhasmita

