

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10551 of 2021

Madhusmita Mohapatra

....

Petitioner

Mr. J. Samantaray, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A.K. Nayak, Advocate for the State (OPID)

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

02.05.2022

Order No.

04.

1. This is an application under Sec.439 Cr.P.C. for bail and the offences alleged are under Secs.406/420/467/468/471/120-B, I.P.C., Secs.4/5/6 of the Prize Chits Money Circulation Scheme (Banning) Act, 1978 and Sec.6 of the O.P.I.D. (in E.F.) Act, 2011.

2. Heard Mr. J. Samantaray, learned counsel for the Petitioner as well as Mr. A.K. Nayak, learned counsel for the State (OPID).

3. It is submitted that the Petitioner is a woman and inside custody since 16.10.2019 and her prayer for bail was earlier rejected by this Court on 10.11.2020 in BLAPL No.9540 of 2019. The Petitioner challenged the same before the Supreme Court in SLP (Criminal) No.2769/2021 and the Supreme Court by order dated 21.09.2021 while dismissing the SLP as withdrawn granted permission and liberty to renew the prayer for bail after framing of charge. It is further submitted that the Petitioner moved her bail application afresh before the concerned trial court which was

rejected in the order dated 27.10.2021 of the Designated Court, Berhampur.

4. Mr. A. K. Nayak, learned counsel for the State (OPID) submits that the allegations against the Petitioner is about siphoning Rs.1,17,00,000/- collected from general public in a phased manner through fake schemes in the name of Central Electrical Authority by impersonating her as the Engineering head.

5. Upon hearing both the parties, it reveals that charge has been framed on 1.3.2021 and five witnesses have already been examined till date. Considering the period of detention of the Petitioner inside custody since 16.10.2019 and the proviso to Section 437(1) of the Cr.P.C., it is directed to release the Petitioner on bail in connection with Baidyanathpur P.S. Case No.87/2019 corresponding to G.R. Case No.05/2019 on such terms and conditions to be fixed by the learned Designated Court under OPID Act, Berhampur, Ganjam as he deems just and proper including the condition that the Petitioner shall furnish property security worth of Rs.1 (one) crore free from all encumbrances and that, she shall not be involved in any other offence while on bail and shall attend the trial court on each date fixed.

6. The BLAPL is accordingly disposed of.

7. An urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge