

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10778 of 2021

Chandan Akash Mohanty

...

Petitioner

Mr. M. Kanungo, Sr. Advocate
along with Mr. G.R. Mohanty,
Advocate

- Versus -

State of Odisha

...

Opposite Party

Mr. S.K. Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

22.02.2022

Order No.

4.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 18.11.2021 in connection with EOW Bhubaneswar P.S. Case No.13 of 2021 corresponding to C.T. Case No.5727 of 2021 pending in the Court of learned S.D.J.M., Bhubaneswar for the alleged commission of offence under Sections 419/420/467/468/471/120-B of IPC.
4. The prosecution allegation is that the petitioner being associated with some other persons played fraud on the husband of the informant and in the process duped him to the tune of Rs.50 lakhs. The present petitioner impersonating himself as the authorized signatory of ITDC executed an agreement with the informant's husband for purported purchase

of Hotel Nilachal Ashok, pursuant to which the husband of the informant deposited Rs.20 lakhs initially, which was remitted to the account of ITDC, and Rs.30 lakhs subsequently, which he paid to the petitioner and the other accused persons on different dates by incurring personal loan.

5. Mr. M. Kanungo, learned Senior Counsel has forcefully argued that the petitioner has been added as an accused without any acceptable material or evidence against him. It is further submitted that the petitioner is a bonafide employee of ITDC and that the amount of Rs. 20 lakhs deposited by the husband of the informant was at the behest of the other accused persons.

In any case, the said amount was deposited in the account of the ITDC and nothing has gone to the account of the petitioner.

6. Mr. S.K. Mishra, learned Addl. Standing Counsel has opposed the prayer for bail by submitting that the petitioner appears to be a habitual offender being involved in similar cases and in so far as the present case is concerned, he practiced fraud to cheat an innocent person who has been paralyzed because of shock.

7. I have given my anxious consideration to the rival submissions. While nothing is on record to suggest that any amount was transferred to the account of the petitioner, fact remains that by impersonating himself as the authorized signatory of ITDC, he managed to execute an agreement with the husband of the informant, which appears to be the genesis of the entire transaction. Therefore, it cannot be said that the petitioner had no role to play in the matter. Moreover, there is some force in the submission of learned Addl. Standing

Counsel that the petitioner appears to be a habitual offender being involved in similar case of fraud and deception. Since investigation into the case is still in progress, it would not be proper to enlarge the petitioner on bail at this stage. The bail application stands rejected. It is however, open to the petitioner to renew his prayer for bail after submission of charge sheet.

8. BLAPL is accordingly rejected.

A.K. Rana

(Sashikanta Mishra)
Judge

