

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16289 of 2021

Sahadeb Sahu

.... ***Petitioner***
Mr.P.K. Sahoo,, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. S. Jena, ASC

CORAM:
MR. JUSTICE D.DASH

ORDER
19.10.2022

Order No.

04. 1. This matter is taken up through hybrid arrangement (hybrid/physical) mode.
2. The Petitioner having been implicated in Kamakhya Nagar P.S. Case No.203 of 2021 corresponding to G.R. Case No.334 of 2021 on the file of learned S.D.J.M., Kamakhya Nagar for alleged commission of offence under sections 406/409/420/467/468/471/472/120-B of the IPC, has filed this application under section 438 of the Cr.P.C. for his release on bail in the event of his arrest in the said case.
3. Learned counsel for the Petitioner, in connection with the alleged misappropriation, placing the order in Dispute Case No.160 of 2020 submits that in that proceeding on detail examination of the evidence, conclusion has been arrived at that the entire misappropriated amount of Rs.1,37,50,997/- are

recoverable from Mr. B. Pattanaik, Mr. A.K. Mohanty, Mr. N.N.Dash and Mr. S.K. Satpathy as they are jointly responsible for causing the loss to the bank. He files the copy of the said order passed by the Deputy Registrar of Cooperative Societies, Dhenkanal Division, Dhenkanal under a Memo in Court today, which is taken on record. He submits that this Petitioner being the Accountant of the Bank is now alleged to be having his hands in such misappropriation, which aspect has not been so found in the Dispute Case and the allegation against this Petitioner has only been made by those persons in-charge of management so as to create confusion and divert the attention of the investigation. He further submits that this Petitioner being under interim protection since 20.01.2022 has been cooperating with the investigation, which is almost complete. In view of all these above, when there remains no scope on the part of the Petitioner to flee from justice and the question of tampering the evidence does not arise as also when here further custodial interrogation of the Petitioner does no more stand as the need, he urges for grant of anticipatory bail to this Petitioner.

4. Learned counsel for the State opposes the move. According to him, the stage is too premature to take a view with regard to the complicity of this Petitioner in the matter of misappropriation as the relevant time he was the Accountant of the Bank.

5. Considering the submissions and on going through the nature of accusations; further keeping in view the surrounding

circumstances of the case as also concerning the Petitioner and in the absence of any other impediment, it is directed that in the event the Petitioner surrenders before the Court in seisin of the case in connection with the aforementioned case within three weeks hence and moves for his release on bail, he shall be released on bail on such terms and conditions as would be deemed just and proper by the said Court.

5. The ABLAPL is accordingly disposed of.
6. Issue urgent certified copy as per rules.

(D.Dash)
Judge



Himansu