

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11350 of 2021

Himansu Mohnty @ Himansu Ku. Petitioner
Mohanty @ Babu

Mr.P.S.Nayak, Advocate.

-versus-

State of Odisha Opp. Party

Mr.M.K.Mohanty,A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

27.01.2022

Order No.

02.

This matter is taken up through Video Conferencing mode.

2. This is an application under section 439 Cr.P.C. filed by the Petitioner for bail in connection with Udala P.S.Case No.375 of 2011 corresponding to C.T.Case No.1074 of 2021, pending in the Court of the learned S.D.J.M., Udala for alleged commission of offences under Sections 420,120(B)/34 of the Indian Penal Code.

3. Learned counsel for the Petitioner submits that one Bijaya Kumar Rana is the main conspirator who has hatched the conspiracy and used the Adhar card and other documents of the Petitioner to open Bank Account in the name of the Petitioner. Further by depositing spurious gold, loans were obtained from the Bank in the names of several depositors The Petitioner is one of such depositor and the loan amount was transferred to the account of the Petitioner after the same was transferred to the Account of Bijaya Kumar Rana. As such he pleads not guilty and not a party to the conspiracy.

3. Learned counsel appearing for the State submits that the

investigation is going on and the exact role of the Petitioner is not yet ascertained although he admits that one Bijaya Kumar Rana is the main culprit in this case.

4. Learned counsel for the Petitioner further submits that the Petitioner is willing to deposit cash security of Rs.2,00,000/- in the learned court below without prejudice to his rights.

5. In such view of the matter and considering the aforesaid facts and circumstances, this Court is inclined to release the Petitioner subject to the Petitioner depositing a sum of Rs.2,00,000/- (Rupees Two lakhs) and furnishing bail bond of Rs.50,000/- (Rupees Fifty thousand) with one solvent surety with the further conditions that he shall cooperate with the investigation and shall report at the concerned Police Station as and when his presence is required. He also shall not tamper with the evidence and threaten the witnesses in any manner whatsoever. Further he shall appear before the trial court on each and every date. Violation of any of the conditions shall entail cancellation of bail.

6. With the aforesaid observation, the bail application is disposed of.

6. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Court's Notice No.4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(A.K. Mohapatra)
Judge

