

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.11358 of 2021

Prafulla Kumar Sarangi

.... ***Petitioner***

Mr. Debashis Panda, Adv.

along with

Mr. D. P. Dhal, Adv.

-versus-

State of Orissa (OPID)

.... ***Opposite Party***

Mr. Bibekananda Bhuyan,

Special Counsel for OPID

CORAM:

MR. JUSTICE S.K. PANIGRAHI

ORDER

07.03.2022

Order No.

- 02.
1. This matter is taken up through hybrid arrangement.
 2. Heard learned counsel for the petitioner and learned counsel for the State.
 3. The Petitioner being in custody in C.T. Case No.3 of 2019, corresponding to EOW Bhubaneswar P.S. Case No.9 of 2019, pending in the court of the learned OPID, Court, Cuttack for the alleged commission of offences under Sections 420/ 467/ 468/ 471/ 406/ 120-B of the I.P.C. read with Section 6 of the OPID Act, has filed this petition under Section 439 of the Cr.P.C. for his release on bail.
 4. The case of the prosecution is that the petitioner, who was the Secretary of the Andhra Bank Employees Housing Cooperative Society launched a plotting scheme at village Madanpur and insisted the employees of the Andhra Bank and other persons to have a residential litigation free plot. The informant booked a plot in the said plotting scheme project, namely, Hindustan Valley at Madanpur including others

through cheques and Bank Drafts. It is alleged that after receiving huge amounts from the investors, the petitioner engaged Hindustan Builder to provide five acres of land in that area and in that regard, a MoU was signed and Sale Deeds were executed in the name of the customers of the Project on the direction of the petitioner but unfortunately, it is alleged that the petitioner failed to deliver possession of plots to the investors and did not take any steps to deliver possession of the land to customers. In spite of several approaches made by the informant along with other investors for return of their money, when the petitioner avoided them on different pleas, they understood that the petitioner along with other co-accused persons by collecting huge amounts cheated them and misappropriated their hard earned money.

5. Learned counsel for the petitioner submits that the petitioner, who is an old man of 63 years, has multiple health issues viz. Type 2 Diabetes Mellitus, Hypertension, IHD, CKD-Stage 3 and OSA. He further submits that the petitioner is under treatment in the Department of Pulmonary Medicines at AIIMS, Bhubaneswar as his oxygen level is rapidly fluctuating. The petitioner has never misused the liberty granted to him during the interim bail period granted in BLAPL No.3495 of 2021. Hence, he submits that the Petitioner may be enlarged on bail.

6. Learned Special Counsel for OPID vehemently opposes the prayer for bail of the Petitioner. His precarious health condition has led to approaching this Court again and again for seeking

interim bail. Hence, a regular bail could serve his purpose of taking proper treatment at AIIMS, Bhubaneswar.

7. The Petitioner has already spent in custody for more than two and half years. The Hon'ble Apex Court, time and again, has expressed displeasure on the delay of trial of the undertrial prisoners and their sufferings due to such delay. The Hon'ble Apex Court in ***Hussainara Khatoon (I) v. State of Bihar***¹ has observed that "*speedy trial is not specifically enumerated as a fundamental right in India; it is implicit in a broad sweep and content of Article 21 of the Indian Constitution*". Certain provisions of the Cr.P.C. also impose a statutory obligation upon the courts to proceed the trial "expeditiously" so that the case could be disposed of without inordinate delay. The speedy trial of offences is a desirable goal because long delay can defeat justice. There is a common proverb - '*delay defeats justice*'. Hence, it is said that speedy justice is of the essence of an organised society and the cases should be decided as early as possible. The present case fails to confirm to the aforesaid stand as articulated by the Hon'ble Supreme Court.

8. Considering the facts and submissions made and on going through the materials available on record, further keeping in view the surrounding circumstances including the period of detention of the petitioner in custody, it is directed that the petitioner be released on bail in the aforesaid case by the court in *seisin* over the matter on such terms and conditions as deemed just and proper subject to the conditions that:

¹ (1980) 1 SCC 81

- i. the petitioner shall appear before the learned trial court on each date of posting of the case;
- ii. he shall not indulge in similar activities in future; and
- iii. he shall not tamper with the evidence of the prosecution witnesses in any manner.

9. Violation of any of the conditions shall entail cancellation of the bail.

10. Accordingly, the BLAPL is disposed of.

11. Urgent certified copy of this order be granted on proper application.

(*S.K. Panigrahi*)
Judge

BJ

