

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11399 of 2021

Mukesh Chandra Naik @ Nayak @* *Petitioner
Mukesh Naik @ Mukesh Bhoi

Mr. P.C. Jena, Advocate

-versus-

State of Odisha* *Opp. Party
Mr. S.N. Das, A.S.C.

CORAM:
JUSTICE G. SATAPATHY

ORDER
25.08.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Reamal P.S. Case No.93 of 2018 corresponding to C.T. Case No. 183 of 2018 pending in the Court of learned J.M.F.C., Reamal for commission of offences punishable under Section 409 of I.P.C.
 3. It is submitted on behalf of the petitioner that the allegation of misappropriation of public money against the petitioner is also a motivated one and he having been detained in custody since 16.11.2021, may kindly be enlarged on bail. It is also submitted on behalf of the petitioner that the petitioner was allowed to go on anticipatory bail by this Court in the present case but he was unable to furnish the cash security of Rs.50,000/- which was a condition for grant of anticipatory bail due to his poor financial condition.
 4. On the contrary, learned counsel for the State while opposing the bail application of the petitioner submits that the petitioner having

been implicated in a case of misappropriation of public money while he was working as a public officer should not be enlarged on bail.

5. On coming to the materials placed on record, there appears little dispute about custody of the petitioner since 16.11.2021 and the offence alleged against him is one U/S. 409 of I.P.C. for misappropriation of money to the tune of Rs.50,000/- only. The petitioner was also granted anticipatory bail vide an order dated 18.04.2019 in ABLAPL No.5323 of 2019, but he could not avail the same.

6. In view of the nature and gravity of accusations coupled with facts narrated above and regard being had to the pre trial detention of the petitioner and circumstances in which offence has been alleged to have been committed and there being no material produced by the prosecution to suggest that the petitioner would flee from justice in case of enlargement of bail, this Court considers the bail application of the petitioner favourably. Hence, the prayer for bail of the petitioner stands allowed and he may be allowed to go on bail on furnishing bail bonds of Rs.20,000/- with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further condition to deposit a cash security of Rs.10,000/-.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge