

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11411 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.73 of 2019 corresponding to C.T. Case No. 124 of 2019 pending in the Court of learned J.M.F.C., Reamal for commission of offence punishable under Section 409 of I.P.C.
 3. It is submitted on behalf of the petitioner that the allegation of misappropriation of money against the petitioner is motivated one and he having been detained in custody since 10.11.2021, may kindly be enlarged on bail.
 4. On the contrary, learned counsel for the State while opposing the bail application of the petitioner submits that the petitioner having been prima facie involved 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 10.11.2021 and the offence alleged against him is one under Section 409 of I.P.C. for misappropriation of public money to the tune of Rs.34,500/-.

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 the 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 free 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

Subha