IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL NO.11038 OF 2024

1) Naveen@ Naveen Kumar Jangir, ... ***Petitioners***
2) Mukesh Kumar @ Muesh Kumar Sheela.

Represented By Adv.
-Mr. Bidyalok Mohapatra.

-versus-

State of Odisha .... ***Opposite Party***

Represented By Adv.
-Mr. Pradipta Satapathy, ASC.

CORAM:
HON'BLE MR. JUSTICE A.C. BEHERA
ORDER

Order No. **23.12.2024**

02. 1. This matter is taken up through hybrid arrangement (Virtual/ Physical) mode.

2. This bail application under section 439 of Cr.P.C, 1973 of the Petitioners arising out of C.T. Case No.1465 of 2024 in connection with Bhubaneswar UPD, CID CB Cyber Crime P.S. Case No.207 of 2024 pending in the Court of learned Sub-Divisional Judicial Magistrate, Bhubaneswar is taken up for consideration.

3. I have already heard from the learned Counsel for the Petitioners and the learned Additional Standing Counsel for the State.

4. The Petitioners have been charge-sheeted under Section-318(4)/319(2)/lll(2)(b) of the B.N.S Act 2023 read with Section-66-D of the Information and Technology Act, 2000 on the allegation of misappropriation of Rs.9,83,000/- (Rupees nine lakh and eighty-three thousand) through a fake trading.

5. As per the submissions of the learned Counsel for the Petitioners, according charge-sheet, Rs.4,85,000/- has been credited to the account of Petitioner No.1 and Rs.4,98,000/- has been credited to the account of Petitioner No.2.

6. The learned Counsel for the Petitioners submitted for liberal consideration of their bail contending that, they (Petitioners) are in jail custody since 29.09.2024 and in the meantime, the investigation of the case has already been completed and the Petitioners are interested to deposit the above respective amounts (those have been credited to their respective accounts) as security for their bail, to which, learned Additional Standing Counsel for the State objected contending that, the investigation of the case has been kept open and other materials are yet to be elicited, for which, at this stage, the Petitioners should not be allowed to go on bail.

7. When, the Petitioners are in jail custody since 29.09.2021 and when during the staying of the Petitioners inside the jail, the investigation of the case has already been completed and when as per the case of prosecution, Rs.4,85,000/- has been credited to the account of the Petitioner No.1 and Rs.4,98,000/- has been credited to the account of the Petitioner No.2 and when both the Petitioners are interested to deposit the said amounts as the security for their bail, then, at this juncture, by taking the above factors into account, I find no justification to disallow the prayer for bail of the Petitioners. For which, it is felt proper to allow them (Petitioners) to go on bail with conditions.

Therefore, the bail application filed by the Petitioners is allowed.

They (Petitioners) is allowed to go on bail on furnishing bail bond of Rs.50,000/- (Rupees fifty thousand) with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with conditions that:-

(i) they (Petitioners) shall not involve in similar nature of crime in future.

(ii) they (Petitioners) shall remain present personally on each date of adjournment of the case before the Court in seisin over the matter till its conclusion.

(iii) they (Petitioners) shall appear before the Investigating Officer, as and when required by the Investigating Officer.

(iv) they (Petitioners) shall deposit their passports, if any, before the Trial Court at the time of submission of the bail bond, if they have not submitted the same earlier before the Court.

(v) the Petitioner No.1 (***Naveen@ Naveen Kumar Jangir***) shall furnish cash security to the tune of Rs.4,85,000/- (Rupees four lakh eighty five thousand) only in the shape of STDR obtained from any Nationalized Bank initially for a period of six months, renewable from time to time till final disposal of the case with an undertaking by the Petitioner No.1 that, the payment of the matured amount as against the STDR shall be subject to any order passed under the BNS 2023 including order under Section-395 of the BNS, 2023 by the Trial Court.

(vi) the Petitioner No.2 (***Mukesh Kumar @ Muesh Kumar Sheela***) shall furnish cash security to the tune of Rs.4,98,000/- (Rupees four lakh ninety eight thousand) in shape of STDR obtained from any Nationalized Bank initially for a period of six months, renewable from time to time till final disposal of the case with an undertaking by the Petitioner No.2 that, the payment of the matured

amount as against the STDR shall be subject to any order passed under the BNS 2023 including order under Section-395 of the BNS, 2023 by the Trial Court.

8. Accordingly, the bail application of the Petitioner is disposed of finally.

9. Grant certified copy of this order to the Petitioner on proper application.

(A.C. Behera),
Judge.

Narayan

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Reason: Authentication
Location: OHC
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