

(2021) 10 OHC CK 0020
In the Orissa High Court
Case No : Bail Application No. 5929 Of 2020

Gagan Bihari Behera And Another

APPELLANT

Vs

Republic Of India (CBI)

RESPONDENT

Date of Decision : 07-10-2021

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 406, 409, 420, 468, 471

Prize Chits and Money Circulation Schemes (Banning) Act, 1978 — Section 3, 4, 5, 6

Citation : (2021) 10 OHC CK 0020

Hon'ble Judges : B. P. Routra, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

B. P. Routray, J

1. Two Petitioners, namely, Gagan Bihari Behera and Subash Chandra Mahanta have prayed to release them on bail in connection with S.P.E.No.33 of 2014 corresponding to R.C.No.38/S/2014-Kol pending in the learned Court of Special C.J.M.(C.B.I.), Bhubaneswar for alleged commission of offence under Section 420/409/468/471 of the I.P.C. and Sections 3, 4 & 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978.

2. The allegations reveal that the Petitioners along with others misappropriated the amount collected from general public through the company, namely, M/s.Zodiac Foundation.

3. Learned counsel for the Petitioners submitted that, they are inside custody since 11th June, 2019 being surrendered in Court. It has also been submitted that the principal accused, namely Dandapani Sethi and two other co-accused persons, namely, Pranab Kaniti Ghosal and Rajib Singh Sahas Ray had already been released on bail by this Court in BLAPL No.5847 of 2016 and BLAPL No.7740 of 2018. In the instant case, chargesheet being submitted upon completion of investigation, the Petitioners should also be released on bail.

4. Learned counsel for the Republic of India (CBI) objected the prayer for bail by submitting that, the present Petitioners are the main culprits who collected the amount from the public with false promise of high return. It is also submitted that these Petitioners neither stand on the similar footing as Dandapani Sethi nor other two co-accused persons named above.

5. Upon perusal of copy of the charg-sheet, it reveals that these two Petitioners are the local agents who in connivance with other accused persons played main role in collecting the money from the general public. It also reveals that the money so collected by the Petitioners was never deposited in any bank account in the concerned locality and they along with other co-accused persons have enjoyed major chunk of the same to their personal benefit. They also prepared false money receipts in the name of M/s.Zodiac Foundation to use in the process of duping the public in general.

6. The Petitioners are found involved in similar other cases in G.R.Case No.298 of 2013 (CT No.1409 of 2013) and they have been convicted for offence under Sections 420/406/120-B of the I.P.C. and Section 4/5 of the Prize Chits and Money Circulation Schemes (Banning) Act by the learned Chief Judicial Magistrate, Mayurbhanj, Baripada.

7. Considering the nature of accusations made against the Petitioners and the role played by them as well as their previous conduct, I am not inclined to release them on bail. Accordingly, the prayer for bail is rejected.

8. The BLAPL is dismissed.

9. Urgent certified copy of this order be issued as per Rules.