

(2023) 09 OHC CK 0141
In the Orissa High Court
Case No : Bail Application No. 9258 Of 2023

Goura Prasad Mohanty

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 21-09-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 120B, 419, 420, 467, 468, 471

Citation : (2023) 09 OHC CK 0141

Hon'ble Judges : G. Satapathy, J

Bench : Single Bench

Advocate : A.S. Paul, S.R. Sahoo

Final Decision : Disposed Of

Judgement

G. Satapathy, J

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is a bail application U/S.439 of Cr.P.C. by the petitioner for grant of bail in connection with E.O.W. P.S. Case No.08 of 2023 arising out of C.T. Case No.336 of 2023 pending in the file of learned S.D.J.M., Bhubaneswar, for commission of offence punishable under Sections 419/ 420/ 467/ 468/ 471/ 120-B of IPC, on the allegation of cheating Rs.25,00,000/- from the informant on the pretext of selling a piece of land.
3. Heard Mr. A.S. Paul, learned counsel for the petitioner and Mrs. S.R. Sahoo, learned ASC in the present matter and perused the record. Mrs. S.R. Sahoo, learned ASC by producing the written instruction received from the IIC, EOW, Bhubaneswar submits that the petitioner has already returned a sum of Rs.6,50,000/- out of his share of cheating amount of Rs.25,00,000/- and the petitioner is in custody since 20.07.2023. The written instruction be kept on record.

4. In the aforesaid circumstance and after having considered the rival submissions made and taking into consideration the nature and gravity of accusations raised against the petitioner and keeping in view the mode and manner of implication of the present petitioner in this case and regard being had to the pre trial detention of the petitioner in custody since 20.07.2023 and taking into account the release of co-accused namely Sabita Das on bail in BLAPL No.6039 of 2023, this Court admits the petitioner to bail.

5. Hence, the bail application of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) only 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 by it with following conditions:-

(i) the petitioner shall not commit any offence while on bail,

(ii) the petitioner shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with. In case the petitioner fails without sufficient cause to appear in the Court in accordance with the terms of the bail, the learned trial Court may proceed against the Petitioner for offence U/S.229-A of IPC in accordance with law,

(iii) the petitioner shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case,

(iv) the petitioner shall report attendance before the Jurisdictional Police Station once in a week preferably on Sunday of every month in between 10 A.M. to 12 Noon for six(06) months from the actual date of release from the custody and

(v) in case the petitioner misuses the liberty of bail and in order to secure his presence, proclamation U/S.82 of Cr.P.C. is issued and the petitioner fails to appear before the Court on the date fixed in such proclamation, then, the learned trial Court is at liberty to initiate proceeding against him for offence U/ S.174-A of the IPC in accordance with law.

The I.I.C. of Jurisdictional Police Station shall not detain the petitioner unnecessarily after recording his attendance beyond the time as stipulated.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out. In the wake of aforesaid, the subsequent involvement of the petitioner in future for similar offences on prima facie accusations may be treated as a ground for cancellation of bail in this case.

6. Accordingly, the BLAPL stands disposed of.

7. Issue urgent certified copy of the order as per Rules.

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