

(2024) 03 OHC CK 0172
In the Orissa High Court
Case No : Bail Application No. 14159 Of 2023

Lokanath Mohanty

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 20-03-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 419, 420, 465, 468, 471

Citation : (2024) 03 OHC CK 0172

Hon'ble Judges : Sashikanta Mishra, J

Bench : Single Bench

Advocate : Bharati Dash, S.K.Mishra

Final Decision : Disposed Of

Judgement

Sashikanta Mishra, J

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 27.9.2023 in connection with Sambalpur P.S. Case No.330/2023 corresponding to G.R. Case No.2233/2023 pending in the Court of learned S.D.J.M., Sambalpur for the alleged commission of the offence under Sections 419/420/465/468/471 of I.P.C.
4. The prosecution case is that the Petitioner assured the informant of arranging a job for him in two T.V. media channels and for such purpose he demanded Rs.1,20,000/- from him. The informant however, paid Rs.60,000/- which was acknowledged by the Petitioner by submitting a receipt. Learned counsel for the Petitioner submits that the prosecution allegations are entirely baseless and false and that no receipt was ever granted by the Petitioner to the informant.
5. Learned State counsel opposes the prayer for bail by submitting that the

Petitioner has 8 similar criminal antecedents and further his application for bail was earlier rejected by a coordinate Bench of this Court.

6. Perusal of the order dated 01.12.2023 passed by coordinate Bench in BLAPL No.13250/2023 reveals that the Bench had taken note of the fact that the Petitioner has 8 similar criminal antecedents. Nevertheless, liberty was granted to the Petitioner to renew his prayer for bail after submission of charge sheet. This Court finds that charge sheet was submitted on 18.12.2023.

7. Considering the fact that the Petitioner has been in custody for nearly 6 months and charge sheet has already been submitted, there is no justification to keep him in custody any longer. The bail application is therefore, allowed. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the conditions that he shall furnish cash security of Rs.40,000/-(Rupees Forty Thousand) being deposited in a short term fixed deposit in any Nationalized Bank and being pledged to the Court. Further such deposit shall be without prejudice to the rival claims.

8. The BLAPL is disposed of.

9. Urgent certified copy of this order be granted on proper application.

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