

(2021) 09 OHC CK 0018

In the Orissa High Court

Case No : Bail Application No. 2097 Of 2019

Sriballabh Prasad Nayak

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 03-09-2021

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 34, 120B, 294, 406, 409, 420, 467, 468, 471, 506

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

Citation : (2021) 09 OHC CK 0018

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

Bench : Single Bench

Advocate : S.K. Nath, G.N. Rout

Final Decision : Disposed Of

Judgement

B. P. Routray, J

1. This is an application under Sec.439 Cr.P.C. for bail and the offences alleged are under Secs.409/420/294/506/467/468/471/ 120-B/406/34, I.P.C. and Secs.4/5/6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978.

2. Heard Mr.S.K. Nath, learned counsel for the Petitioner as well as Mr.G.N. Rout, learned A.S.C. for the State-Opposite Party.

3. It is submitted by learned counsel for the Petitioner that the charge-sheet dated 13.9.2013 and supplementary charge-sheet dated 6.3.2014 have been filed against six accused persons including the Petitioner. It is further submitted that the Petitioner is inside custody since 17.7.2013 and till date trial has not been commenced, but the case is adjourned from day to day awaiting final form. Further in the meantime, the other co-accused persons, namely, Prasanna Kumar Das and Aditya Kumar Bisoi have been released on bail.

4. Mr.G.N. Rout, learned A.S.C. for the State-Opposite Party submits that the

total amount involved in the present case is to the tune of Rs.1,74,150/-. The Petitioner is also involved in 14 other cases.

5. In reply, it is submitted by learned counsel for the Petitioner that so far as the criminal antecedents against the Petitioner have been stated, those are arising out of the same transaction relating to different cases registered against him and other co-accused persons.

6. After hearing both the parties and considering the fact that the Petitioner is inside custody since 17.7.2013 and till date the trial has not been commenced, it is directed to release the Petitioner on bail in connection with Barpali P.S. Case No.49/2013 corresponding to G.R. Case No.49/2013 on such terms and conditions to be fixed by the learned J.M.F.C., Barpali or the court in seisin over the matter as he deems just and proper including the condition that the Petitioner shall not be involved in any other offence while on bail and shall attend the trial court on each date fixed.

7. BLAPL is accordingly disposed of.

8. An urgent certified copy of this order be issued as per rules.