
(2021) 08 OHC CK 0034

Orissa High Court

Case No: Bail Application No. 437 Of 2020

Raghunath Behera

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision: Aug. 10, 2021

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 34, 420

Citation: (2021) 08 OHC CK 0034

Hon'ble Judges: S. K. Sahoo, J

Bench: Single Bench

Advocate: R.K. Pattnaik, A.K. Beura, K.M.H. Niamati

Final Decision: Disposed Of

Judgement

S.K. Sahoo, J

This matter is taken up through Hybrid arrangement (video conferencing/physical Mode).

Heard learned counsel for the petitioner and learned counsel for the State as well as learned counsel for the informant.

This is an application under section 439 of Cr.P.C. in connection with C.T. Case No.5986 of 2019 arising out of CID C.B. P.S. Case No.19 of 2019

pending in the Court of learned 3rd Addl. Sessions Judge, Bhubaneswar for offence punishable under section 420/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Addl. Sessions Judge, Bhubaneswar which was rejected on 03.12.2020.

Learned counsel for the petitioner submitted that the petitioner was taken on remand in this case on 19.02.2019 and he has been charge sheeted under

section 420/34 of the Indian Penal Code and the total amount of cheating involved in this case as per the charge sheet is Rs.9,62,000/- (Rupees Nine

Lakh Sixty Two thousand). The father of the petitioner has filed an affidavit indicating therein that the petitioner is ready and willing to deposit

Rs.1,62,000/- (Rupees One Lakh Sixty Two Thousand) before the learned trial Court, at the time of his release on bail and the balance amount shall

be deposited in equal installments.

Learned counsel for the State has no serious objection the averments made in the affidavit as well as the submission made by the learned counsel for

the petitioner.

Considering the submission made by the learned counsel for the petitioner, the nature of accusation against the petitioner and since the offence is

triable by Magistrate and taking into account the period of detention of the petitioner in judicial custody, I am inclined to release the petitioner on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) with two local solvent

sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may

deem just and proper with further condition that the petitioner shall furnish cash security of Rs.2,00,000/- (rupees Two Lakhs only) at the time of his

release on bail and so far as the balance amount of Rs.7,62,000/- (Rupees Seven Lakh Sixty Two Thousand) is concerned, he shall give an

undertaking to deposit the same in five equal monthly installment and the first installment shall commence a month after his release on bail. The cash

security, if deposited, shall be kept in short term fixed deposit scheme in any Nationalized Bank which shall be renewed from time to time till

conclusion of the trial and its disbursement shall be subject to the judgment of the learned trial Court and if the petitioner fails to deposit any of the

installment in time, the learned 3rd Addl. Sessions Judge, Bhubaneswar is at liberty to cancel the order of bail and take the petitioner in judicial

custody.

The BLAPL is accordingly disposed of.

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

.Ã¢â,¬Ä!Ã¢â,¬Ä!..Ã¢â,¬Ä!Ã¢â,¬Ä!Ã¢â,¬Ä!Ã¢â,¬Ä!Ã¢â,¬Ä!Ã¢â,¬Ä!Ã¢â,¬Ä!Ã¢â,¬Ä!Ã¢â,¬Ä!..