

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 46 of 2023

Lakhan Sha

Petitioner

Mr. Tukuna Kumar Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K. K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

06.01.2023

Order No.

- 01.** 1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in connection with C.T. Case No.1379 of 2022, pending in the Court of learned SDJM, Deogarh, arising out of Deogarh P.S. Case No.892 of 2022, for alleged commission of offences under Sections 420 of IPC r/w Sec. 66(C) & 66(D) of the Information Technology Act, 2000.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Deogarh by order dated 22.12.2022 in the aforementioned case, the present BLAPL has been filed.
4. Learned counsel for the petitioner submits that the accused is in custody since 04.12.2022 on the allegations that he along with other co-accused persons duped others by luring them to believe about winning lottery under KBC scheme and the total amount involved is to the tune of Rs.2,46,200/-. It is submitted that since

substantial amount i.e. Rs.1.25 Lakhs has been recovered from the present petitioner who was petitioner no.3 before the learned Sessions Judge, his further continuance in custody is not warranted.

5. Learned counsel for the State opposes the prayer for release during the currency of investigation.

6. Taking into account the nature of allegation and that the petitioner is not a named accused and has been cited so on the basis of co-accused statement, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter. Additionally it is directed that the petitioner shall appear before the I.O. once in a week till the submission of Final Form on such date and time to be specified by the Court in seisin.

7. Certification of such appearance shall be submitted to the Court in seisin.

8. Learned counsel for the petitioner is permitted to correct the description of the name of the petitioner as Lakhan Sha in Court.

9. Accordingly, the BLAPL stands disposed of.

10. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Sipun