



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.2901 of 2026

Mahammad Rizwan @ MD. Rizwan ***Petitioner***
Represented by Adv. –
Jagabandhu Sahu

-versus-

State of Odisha ***Opposite Parties***
Mr. S. Behera, AGA

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA

ORDER
08.05.2026

Order No.

02. 1. This matter is taken up through Hybrid mode.
2. Heard learned counsel for the Petitioner as well as learned counsel for the State. Perused the application as well as documents annexed thereto.
3. This is an application under Section 483 of the B.N.S.S., 2023 filed by the Petitioners for bail, involving offence punishable under Sections 318(4), 336(3), 340(2), 111(2)(b), 61(2)(b), 3(5) of B.N.S. read with Sections 66(c) & 66(D) of I.T. Act in G.R. Case No.176 of 2026 in the Court of learned S.D.J.M., Padmapur arising out of Padmapur P.S. Case No.38 of 2026.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 25.02.2026. He further contended that in the meantime the investigation has been concluded and the preliminary charge-sheet has been filed. Learned counsel for the Petitioner further contended that the present Petitioner has been



falsely implicated in the present case. While explaining the prosecution allegation learned counsel for the Petitioner contended that the present Petitioner is neither the account holder nor he has withdrawn money from the bank account. He further contended that the Petitioner only collected the bank documents like pass-book, ATM Card etc. and handed over to the principal accused, namely one Aman Sahu. He further contended that the Petitioner belongs to the locality, therefore, there is no chance of his absconding. He further submitted that the Petitioner does not have any criminal antecedent.

5. Learned counsel for the State on the other hand opposed the bail application of the Petitioner on the ground of gravity and seriousness. He further submitted that the offences alleged are all economic offences, therefore, there is no leniency should be shown to the accused person while considering his bail application. He further submitted that although the investigation has progressed substantially, however, a preliminary charge-sheet has been filed, thereby keeping the investigation still open. He further contended that the principal accused in collusion with the present Petitioner has cheated many innocent people of the locality and taken away their money. On such ground, learned counsel for the State contended that the Petitioner is not entitled to be released on bail at this juncture.

6. Learned counsel for the Petitioner, in reply to the submission made by the learned counsel for the State, contended that there is no evidence on record to prove that any defrauded money has been transferred to the account of the present Petitioner or he has the beneficiaries of such defrauded amount. It was also contended that



the Petitioner was not initially named in the FIR. He further contended that as is evident from the preliminary charge-sheet that the principal accused persons, namely Hitesh Kumar Agrawal, Aman Sahu, Biki Agrawal are yet to be arrested. He further contended that taking into consideration the period of custodial detention and the fact that the investigation has been concluded and a preliminary charge-sheet has been filed, and further considering the fact that the Petitioner does not have any criminal antecedent, the Petitioner be enlarged on bail on any stringent conditions.

7. Having heard the learned counsels appearing for the respective parties and on a careful examination of the gravity of the allegation as well as the role played by the accused person in the alleged crime, and further considering the fact that the Petitioner was working in collusion with the principal accused persons, who have not been arrested as of now, and also taking into consideration the fact that the Petitioner does not have any criminal antecedent, this Court is inclined to release the Petitioner on bail subject to the Petitioner furnishing bail bond of Rs.50,000/- (Rupees Fifty Thousand) with two solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter. The release of the Petitioner shall also be subject to such other terms and conditions as is deemed just and proper by the court in seisin over the matter.

8. The Petitioner shall be released with the following further conditions that:-

- I. he shall not indulge in similar type of offences while on bail;



II. shall appear before the jurisdictional Police Station once in a fortnight for a period three months, preferably on a 'Sunday' in between 10.00 A.M. to 1 P.M.;

III. shall cooperate with the investigation and appear before the Investigating Officer as and when their presence is required by the I.O for the purpose of investigation;

IV. shall appear before the learned trial court during trial on each date of posting, unless their personal appearance is dispensed with by the learned trial court;

V. shall not leave the jurisdiction of the trial court till the final charge-sheet is filed without the prior permission of the learned trial court;

Violation of any of the terms and conditions shall entail cancellation of the bail.

9. It is further directed that the bail granted to the Petitioner be subject to the condition that the court below shall verify the criminal antecedent of the Petitioner. In the event the Petitioner is having any criminal antecedent, then this bail order shall automatically stand revoked.

10. Accordingly, the BLAPL stands disposed of.

Issue urgent certified copy as per Rules.

(Aditya Kumar Mohapatra)
Judge