



IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 4861 of 2025

***Himansu Sekhar
Swain***

....

Petitioner

Mr. D. P. Nanda, Sr. Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. C. R. Swain, AGA

Mr. A. Tripathy, Advocate
(Informant)

CORAM: JUSTICE V. NARASINGH

**ORDER
03.12.2025**

Order No.

14. 1. Heard learned counsel for the Petitioner and learned counsels for the State as well as informant.
2. The Petitioner is seeking pre-arrest bail in connection with Nayagarh P.S. Case No.140 of 2025 pending on the file of learned S.D.J.M., Nayagarh, for commission of offences punishable under Sections 294/420/506 of IPC.
3. The allegation against the present Petitioner in the case at hand that he misusing his position as a Relationship Manager deceived the informant and, in the process, though the complainant-informant has deposited Rs.30,000,00/- with the manager of the



bank to get the CC Loan converted to EMI after 01.09.2021 because of the alleged fraud committed by the Petitioner in connivance with the officials, the same was never credited to his account. The alleged fraud played by the Petitioner came to the fore when the bank recovery team approached the informant for payment of about Rs.50,00,000/- as outstanding.

4. During the course of submission, learned Senior Counsel, Mr. Nanda on instruction submitted that there are materials on record to indicate that the Petitioner himself had sought rephrasing and had in fact taken back an amount of Rs.10,00,000/- by way of cheques.

5. Considering the rival submissions regarding the issuance of letters of the bank and the encashment of cheques on which much reliance was placed by the Petitioner, this Court had called upon the SDPO, Nayagarh, to make an enquiry.

Such enquiry report submitted to the learned counsel for the State dated 02.12.2025 is taken on record.

6. During the course of enquiry, it has come to the fore that the encashment was at the behest and an instruction of the Petitioner and it is also mentioned that on a bare perusal the handwriting of the account holder-complainant, the same does not



match with the signatures on the cheques, allegedly enchased by the informant.

Referring to such instruction learned counsel for the State opposes the prayer for pre-arrest bail.

Learned counsel for the informant echoes such submission.

7. Per contra, it is submitted by the learned Senior Counsel, Mr. Nanda that even if the allegations are levelled are accepted at its face value since the Petitioner had left the branch since 2023 and the allegations are more or less based on documentary evidence that should weigh with this Court in considering his application for pre-arrest bail.

8. On considering the rival submissions and on perspicuous analysis of the materials on record, taking into account that the Petitioner was an employee of a Bank, the nature of allegations and offence alleged being an economic offence, this Court is persuaded to hold that protecting the Petitioner by pre-arrest bail would render the ongoing investigation farcical.

9. Taking into account the nature of allegations, this Court is not inclined to entertain the application for pre-arrest bail. However, in the event the Petitioner surrenders before the learned Court in seisin in the aforesaid case and moves an application



for his release on bail, the same shall be considered on its own merit.

10. It is needless to state that the observations made herein are only for the purpose of consideration of the prayer of the Petitioner for pre-arrest bail and it ought not to be construed as this Court expressing any view regarding his complicity which has to be established in an independent manner.

11. The ABLAPL is accordingly disposed of.

(V. NARASINGH)
Judge

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