



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11514 of 2025

Rajesh Sharma

...

Petitioner

Mr. S.R. Mohanty, Advocate

-versus-

State of Odisha

...

Opposite Party

Mr. M.R. Patra, Addl. PP

Mr. S. Das, Advocate (informant)

**CORAM:
JUSTICE G. SATAPATHY**

**ORDER(ORAL)
08.12.2025**

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).

2. This is the bail application U/S.483 of the BNSS by the petitioner for grant of bail in connection with Berhampur Town P.S. Case No. 290 of 2025 corresponding to G.R. Case No.1854 of 2025 pending in the Court of learned S.D.J.M., Berhampur, for commission of offence punishable U/Ss. 420/406/403/471/426/34 of IPC, on the main allegation of cheating the informant for a sum of Rs.26,73,823/- .

3. In the course of hearing, Mr. Soumya Ranjan Mohanty, learned counsel for the petitioner submits that although there is contractual dispute between the parties, but that has given the flavor of criminal case and when the cheques issued by the petitioner were dishonored, the informant instead of taking recourse of the NI Act, has in fact manufactured this



case against the petitioner and, therefore, the petitioner having detained in custody for a substantial period, may kindly be granted bail.

3.1. In opposing such prayer for bail, Mr. Sidhartha Das, learned counsel for the informant submits that despite knowing the fact that he has no money in his account, the petitioner has issued cheques and, thereby, the intention of the petitioner at the inception is only to defraud the informant and, therefore, the petitioner's bail application may kindly be rejected.

3.2. On the other hand, Mr. M.R. Patra, learned Addl. PP, however, by taking this Court through the facts of the case, prays to reject the bail application of the petitioner.

4. After having considered the rival submissions upon perusal of record, there appears some allegation against the petitioner for not paying around Rs.26,73,823/- towards cost of the sound system which he procured from the informant, but it is not in dispute that the petitioner has issued some cheques in favour of the informant against aforesaid amount, however, such cheques were dishonored and the informant instead of taking recourse of Sec.138 of NI Act, has filed the present case. Be that as it may, the petitioner has already been in custody since 27.09.2025, but there is substantial progress in investigation, however, the offences alleged against



the petitioner are triable by Magistrate. In that view of the matter and taking into consideration the nature and gravity of the offences as alleged against the petitioner vis-à-vis the accusations sought to be brought against him and regard being had to the law laid down by the Apex Court in ***Satender Kumar Antil Vrs. Central Bureau of Investigation; (2022) 10 SCC 51***, this Court without expressing any view on merit admits the petitioner to bail.

5. Hence, the bail application of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) with one solvent surety for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper by it with following condition:-

(i) the petitioner shall appear before the IO as and when required for the purpose of investigation till submission of charge sheet.

6. Accordingly, the BLAPL stands disposed of. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge