

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS.487-488 OF 2021  
(@ Special Leave Petition (CrI.) Nos.2592-2593 of 2021)

TRIDHARA MOHANTY @ PATTNAIK ..APPELLANT(S)

VERSUS

STATE OF ODISHA ..RESPONDENT(S)

WITH

CRIMINAL APPEAL NOS.489-490 OF 2021  
(Arising out of SLP (Criminal) Nos.2586-2587 of 2021)

CRIMINAL APPEAL NOS.491-492 OF 2021  
(Arising out of SLP (Criminal) Nos.2604-2605 of 2021)

CRIMINAL APPEAL NOS.493-494 OF 2021  
(Arising out of SLP (Criminal) Nos.2580-2581 of 2021)

CRIMINAL APPEAL NOS.495-496 OF 2021  
(Arising out of SLP (Criminal) Nos.2590-2591 of 2021)

CRIMINAL APPEAL NOS.497-498 OF 2021  
(Arising out of SLP (Criminal) Nos.2588-2589 of 2021)

CRIMINAL APPEAL NOS.505-507 OF 2021  
(Arising out of SLP (Criminal) Nos.3352-3354 of 2021)

CRIMINAL APPEAL NOS.499-504 OF 2021  
(Arising out of SLP (Criminal) Nos.3506-3511 of 2021)

O R D E R

These appeals filed by appellants Braja Mohan Pattnaik and Tridhara Mohanty @ Pattnaik, take exception to the conditions imposed by the High Court of Orissa at Cuttack, while granting them bail and submit *inter alia* that the conditions are onerous and

impossible to be complied with, and consequently, the relief of bail would stand denied to the appellants.

The appellants are facing prosecution in respect of eight First Information Reports which are alleging that the appellants committed offences punishable under Sections 406/408/409/420/120B/34 IPC read with Sections 3,4 and 5 of the Prize, Chits Money Circulation Schemes (Banning) Act, 1978 and Sections 3/6 of the OPID Act, 2011. The appellants were taken in custody in connection with FIR No.202 of 2018 on 06.11.2018.

By order dated 30.09.2019, appellant Tridhara Mohanty @ Pattnaik was granted interim bail by the High Court pending consideration of her application seeking regular bail. Thereafter, the High Court passed an order on 13.03.2020 imposing certain conditions, which conditions were later relaxed to a certain extent. All these factual details are put in by way of Charts in the Affidavit in Reply filed on behalf of the State, which charts are as under:

“

<u>Sl. No.</u>	<u>S.L.P (CrI.) Nos.</u>	<u>BLAPL No.</u>	<u>Amount Siphoned off / Embezzled</u>	<u>Bail Conditions Imposed by the High Court vide Order dated 13.03.2020</u>
1.	3352 - 3354 of 2021	1788 of 2019	Rs.64,30,212/-	Cash Security of Rs.30 lakhs; & Property Security of Rs.34,30,212/-
2.	2592 - 2593 of 2021	6932 of 2019	Rs.93,480/-	Property Security of Rs.93,480/-
3.	2590 - 2591 of 2021	6930 of 2019	Rs.81,000/-	Property Security of Rs. 81,000/-

4.	2588 - 2589 of 2021	6931 of 2019	Rs.1,23,000/-	Cash Security of Rs.50,000/-; & Property Security of Rs.73,000/-
5.	2586 - 2587 of 2021	6927 of 2019	Rs.56,000/-	Property Security of Rs. 56,000/-
6.	2580 - 2581 of 2021	6929 of 2019	Rs.1,62,000/-	Cash Security of Rs.62,000/-; & Property Security of Rs.1,00,000/- (One Lakh)
7.	2604 - 2605 of 2021	6928 of 2019	Rs.56,000/-	Property Security of Rs. 56,000/-
8.	S.L.P (Cr1.) No.3506-3511 of 2021 (not yet listed for 1 <sup>st</sup> hearing)	6793 of 2018; & 6794 of 2018	Rs.3,61,40,619/- (Rupees Three Crores Sixty One Lakhs Forty Thousand Six Hundred and Nineteen)	Cash Security of Rs.1,50,00,000/- (Rupees 1.5 Crores); & Property Security of Rs.2,11,40,619/- (Rupees Two Crores Eleven lakhs Forty Thousand Six Hundred Nineteen)
Total Amount embezzled			Rs.4,31,42,311/- (4.3 Crores)	

**'STATUS' AFTER THE HON'BLE HIGH COURT PARTIALLY MODIFIED THE ORIGINAL BAIL CONDITIONS:**

<u>Sl. No.</u>	<u>S.L.P (Cr1.) Nos.</u>	<u>BLAPL No.</u>	<u>Amount Siphoned off / Embezzled</u>	<u>Modified Bail Conditions Imposed by the High Court</u>
1.	3352 - 3354 of 2021	1788 of 2019	Rs.64,30,212/-	Cash Security of Rs.15 lakhs; & Property Security of Rs.49,30,212/- (reduced vide Order dated 27.01.2021)
2.	2592 - 2593 of 2021	6932 of 2019	Rs.93,480/-	Property Security of Rs.93,480/- (No change)
3.	2590 - 2591 of 2021	6930 of 2019	Rs.81,000/-	Property Security of Rs. 81,000/- (No change)

4.	2588 - 2589 of 2021	6931 of 2019	Rs.1,23,000/-	Cash Security of Rs.50,000/-; & Property Security of Rs.73,000/- (No change)
5.	2586 - 2587 of 2021	6927 of 2019	Rs.56,000/-	Property Security of Rs. 56,000/- (No change)
6.	2580 - 2581 of 2021	6929 of 2019	Rs.1,62,000/-	Cash Security of Rs.62,000/-; & Property Security of Rs.1,00,000/- (One Lakh) (No change)
7.	2604 - 2605 of 2021	6928 of 2019	Rs.56,000/-	Property Security of Rs. 56,000/- (No change)
8.	S.L.P (Cr1.) No.3506- 3511 of 2021 (not yet listed for 1 <sup>st</sup> hearing)	6793 of 2018; & 6794 of 2018	Rs.3,61,40,619/- (Rupees Three Crores Sixty One Lakhs Forty Thousand Six Hundred and Nineteen)	Cash Security of Rs.75,00,000/- (Rupees Seventy Five lakhs); & Property Security of Rs.2,86,40,619/- (Rupees Two Crores Eighty Six lakhs Forty Thousand Six Hundred Nineteen)  (reduced vide Order dated 23.12.2020)
Total Amount embezzled			Rs.4,31,42,311/- (4.3 Crores)	

"

Effectively, the cash security as directed by the High Court now stands reduced to about Rs.90 Lakhs.

Mr. J.S. Attri, learned Senior Advocate appearing for the appellants submits that since the appellants are unable to make the cash deposit as directed by the High Court, the benefit of bail stands denied to them. It is submitted that instead of the direction to deposit money in cash, if the appellants are permitted

to offer security in the sum of Rs.3 Crores to the satisfaction of the Trial Court, the appellants would certainly comply with such direction.

Considering the fact that the appellant Braja Mohan Pattnaik has been in custody since 06.11.2018 and the fact that the appellant Tridhara Mohanty @ Pattnaik has also suffered custody for a while, in our view, the suggestion given by Mr. Attri, learned Senior Advocate, merits acceptance. Ordered accordingly.

The appellants are directed to offer properties valuing at least Rs.3 Crores by way of security to the satisfaction of the Trial Court and upon being satisfied in that behalf, the Trial Court shall release the appellants on bail. The properties so offered shall be available for such processes or orders as the Court may deem fit to pass at the conclusion of the pending proceedings. It shall be open to the Trial Court to impose such other conditions as it deems appropriate to ensure presence and participation of the appellants in the pending investigation/inquiry.

All these appeals are allowed to the aforesaid extent.

.....J.  
[UDAY UMESH LALIT]

.....J.  
[B.R. GAVAI]

NEW DELHI;  
MAY 11, 2021.\*



Date : 11-05-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s) Mr. J.S. Attri, Sr. Adv.  
Mr. L.R. Rath, Adv.  
Mr. S.K. Das, Adv.  
Mr. Ajay Choudhary, AOR

For Respondent(s) Mr. Shibashish Misra, AOR  
Mr. S. Debabrata Reddy, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The Appeals are allowed, in terms of the Signed Order.

Pending applications, if any, also stand disposed of.

(MUKESH NASA)  
COURT MASTER

(NISHA TRIPATHI)  
BRANCH OFFICER

(Signed Order is placed on the File)