



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12707 of 2023

(In the matter of an application Under Section 439 of CrPC, 1973)

<i>Dilip Ranjan Nath</i>	<i>....</i>	<i>Petitioner</i>
<i>-versus-</i>		
<i>Republic of India(CBI)</i>	<i>....</i>	<i>Opposite Party</i>

***For Petitioner : Mr.S.C. Mahapatra, Sr. Advocate
appearing along with Mr. S.S.
Mohapatra, Advocate***

***For Opposite : Mr. S. Nayak, Advocate (CBI)
Parties***

**CORAM:
JUSTICE G. SATAPATHY**

DATE OF HEARING & JUDGMENT:18.02.2025(ORAL)

G. Satapathy, J.

1. This is a bail application U/S.439 of CrPC by the Petitioner for grant of bail in connection with SPE Case No. 21/2014 corresponding to R.C. No.26/S/2014-Kol pending in the file of learned Special C.J.M.(CBI), Bhubaneswar for commission of offences punishable U/Ss 120-B/420/409 of IPC r/w Sections 4,5 & 6 of Prize Chits



& Money Circulation Schemes Act, on the allegation of operating illegal money circulation business through different Company along with other accused persons alluring depositors to invest money on the assurance of getting high return and in the process, cheating the gullible depositors.

2. Heard, Mr. Souri Chandra Mahapatra, learned Senior counsel appearing along with Mr. S.S. Mohapatra, learned counsel for the Petitioner and Mr. Sarthak Nayak, learned counsel for the CBI in the matter and perused the record.

3. It is, however, not disputed that the Petitioner was arrested and produced before the concerned Court on 25.08.2018 and since then, he is in custody, but the trial is yet to be completed. It also appears from the report submitted by the learned trial Court in BLAPL No. 3212 of 2024 disposed of on 28.01.2025 that only 11 witnesses have been examined with 166 charge sheeted witnesses remaining to be examined and in the circumstance, it can be presumed that a considerable period of time is required for disposal of the present case.



Further, the Petitioner is on interim bail as granted by this Court which has been extended by the Apex Court in Criminal Appeal No. 4708 of 2024 till disposal of this bail application. It is of course objected by the learned CBI Counsel for release of the Petitioner on bail, but on being asked, the learned CBI counsel acknowledges the custody period of the Petitioner since 25.08.2018. Learned CBI counsel also opposes the bail application of the Petitioner on the ground of involvement of the Petitioner in duping Rs. 31,13,938,19/- (Rupees Thirty One Crores Thirteen Lakhs Nine Hundred Thirty Eight Thousand Nineteen) in 485 Branches from different gullible depositors and the Petitioner is the Director of the Company, but no one can be denied the right to speedy trial as guaranteed under Article 21 of the Constitution of India, howsoever serious a crime may be inasmuch as a person accused of committing heinous crime is also entitled to basic protection of law.

4. True it is that what extent of time would be considered as an infringement of right to speedy trial has not been defined in any statute, but by any standard, the



detention of the Petitioner in custody for around more than 6 and ½ years as has been found in this case is considered to be infringement of right to speedy trial as guaranteed to the petitioner under Article 21 of the Constitution of India. In the above context, this Court considers it useful to refer to the very recent decision in ***Tapas Kumar Palit Vrs. State of Chhattisgarh; (2025) live law SC 211***, wherein the the Apex Court has held as under:-

"If an accused is to get a final verdict after incarceration of six to seven years in jail as an under trial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed. The stress of long trials on accused persons who remain innocent until proven guilty can also be significant. Accused persons are not financially compensated for what might be a lengthy period of pretrial incarceration. They may also have lost a job or accommodation, experienced damage to personal relationships while incarcerated, and spent a considerable amount of money on legal fees. If an accused person is found not guilty, they have likely endured many months of being stigmatized and perhaps even ostracized in their community and will have to rebuild their lives with their own resources."

5. It is, however, ostensibly found in this case that the prosecution now intends to examine 166 witnesses,



but it does not know as to how many of them would be considered relevant to support the prosecution case and whether the examination of all the 166 witnesses are necessary or the witnesses likely to be examined would only mean to be examined for duplication of evidence. Further, in this case, learned CBI counsel on being asked submits that he has no instruction with regard to criminal antecedent of the Petitioner, but when the Petitioner has been incarcerated by the action of the CBI, it has also to take the blame for not being able to examine the witnesses to conclude the trial inasmuch as no one will appreciate by confining a person accused of offence without assuring him to speedy trial which is his fundamental right and a person cannot be kept confined in jail custody for indefinite period on the expectation that one or other day the trial would be concluded which is not the objective of right to life and liberty as enshrined in Article 21 of the Constitution of India.

6. In view of the aforesaid facts and circumstance and taking into account the accusations of duping Rs. 31 Crore and some odd amount from the gullible investors



and the prosecution being not able to clarify as to involvement of the Petitioner in other cases, but trial having not concluded even after more than 6 and ½ years of the custody of the Petitioner which is definitely a long period to consider violation of right to speedy trial and considerable time likely to be required for disposal of the case and taking into account the release of co-accused Basanti Mondal on bail in BLAPL No. 3212 of 2024, this Court without expressing any view on merits admits the Petitioner to bail.

7. Hence, the bail application of the Petitioner stands allowed and he is allowed to go on bail on furnishing bail bonds of Rs.5,00,000/- (Rupees Five Lakhs) only with two solvent sureties each 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 conditions:-

(i) the petitioner shall not commit any offence while on bail,

*(ii) the petitioner in the course of trial shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with. **In case the Petitioner fails without***



sufficient cause to appear in the Court in accordance with the terms of the bail, the learned trial Court may proceed against the Petitioner for offence U/S.269 of BNS,2023 in accordance with law,

(iii) the petitioner shall not leave the territorial jurisdiction of the trial Court without prior permission till disposal of the case by intimating his present address of stay to the concerned Court,

(iv) the Petitioner shall inform the Court as well as the Investigating Agency as to his place of residence during the trial by providing his mobile number(s), residential address, e-mail, if any, and other documents in support of proof of his residence. The Petitioner shall not change his address of residence without intimating to the Court and Investigating Agency,

(v) in case the Petitioner misuses the liberty of bail and in order to secure his presence, proclamation U/S.84 of BNSS, 2023 is issued and the Petitioner fails to appear before the Court on the date fixed in such proclamation, then, the learned trial Court is at liberty to initiate proceeding against him for offence U/S.209 of BNS, 2023 in accordance with law,

(vi) the Petitioner shall appear before the Investigating Agency as and when required and shall cooperate with the further investigation in the present case,

(vii) the Petitioner shall surrender his passport, if any, in the Court in seisin



of the case till conclusion of trial, unless he is permitted to take back such passport to use for specific purpose during the pendency of the case and in case, the petitioner is not having any passport, he shall file an affidavit before the trial Court indicating the same.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out. In the wake of aforesaid, the subsequent involvement of the petitioner in future for grave/similar offence on prima facie accusations may be treated as a ground for cancellation of bail in this case.

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

(G. Satapathy)
Judge

*Orissa High Court, Cuttack,
Dated the 18th February, 2025/Priyajit*

Signature Not Verified

Digitally Signed
Signed by: PRIYAJIT SAHOO
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 19-Feb-2025 18:25:04

