

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.601 of 2021

Satprem Nanda

....

Petitioner

Mr. S.R. Mohapatra, Advocate

-versus-

***State of Odisha
(Vigilance)***

....

Opp. Party

Mr. M.S. Rizvi,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

09.02.2022

Order No.

07.

This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).

Heard learned counsel for the petitioner and learned Additional Standing Counsel for the Vigilance Department.

This is an application under section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Bhubaneswar Division Vigilance P.S. Case No.46 of 2015 corresponding to Vigilance G.R. Case No.53 of 2015 pending in the Court of learned Special Judge (Vigilance), Bhubaneswar for alleged commission of offences under section 13(2) read with section 13(1)(c)(d) of the P.C. Act, 1988 and sections 409/468/471/420/120-B of the Indian Penal Code.

Perused the FIR.

This case was instituted in the year 2015 and the petitioner was granted interim protection as per order dated 09.08.2021 subject to condition imposed that he shall appear before the Investigating Officer as and when required and cooperate with the investigation.

It is contended by Mr. Mohapatra, learned counsel for the petitioner that in pursuance of such order, the petitioner has appeared before the Investigating Officer on number of occasions and cooperated with the investigation but the Investigating Officer is asking him to produce certain documents, which are not in possession and in that respect, he has given it in writing.

Mr. Rizvi, learned Additional Standing Counsel for the Vigilance Department submitted that those documents are very much material to ascertain the correctness and to find out the real state of affairs.

Since the petitioner has given it in writing that those documents are not available with him, the Investigating Officer cannot compel the petitioner to produce those documents rather he is to proceed with the investigation and complete the same at an earliest since it is a case of the year 2015, so that necessary follow up action can be taken.

Considering the submissions made by the learned counsel for the respective parties, it is ordered

that the interim order dated 09.08.2021 is made absolute subject to conditions that the petitioner shall appear before the learned trial Court on each date when the case would be posted for trial if the charge sheet is filed and he shall not try to tamper with the evidence.

Violation of any of the above conditions shall entail cancellation of bail.

The ABLAPL is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

RKM

