

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.619 of 2022

Lili Behera

....

Petitioner

Mr. S.K. Pradhan, Advocate

-versus-

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

....

Opp. Party

*Mrs. Jyotsnarani Tripathy,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
02.02.2022**

Order No.

01. This matter is taken up through video conferencing 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 G.R. Case No.11 of 2021(V) arising out of Berhampur Vigilance P.S. Case No.20 of 2021 pending in the Court of learned Special Judge (Vigilance), Berhampur for alleged commission of offences under section 13(2) read with sections 13(1)(b)/12 of the Prevention of Corruption Act, 1988 as amended by Prevention of Corruption (Amendment) Act, 2018.

Perused the F.I.R.

Learned counsel for the petitioner submitted that the

petitioner is the wife of the public servant, who was working as Junior Engineer, Rural Works, Section-I, Digapahandi in the district of Ganjam and she has been falsely entangled in the case and the ingredients of the offences are not attracted and therefore, the anticipatory bail application of the petitioner may be favourably considered.

Learned Additional Standing Counsel for the Vigilance Department, on the other hand, on instruction submitted that no custodial interrogation is necessary but the petitioner must cooperate with the investigation.

Learned counsel for the petitioner submitted that the petitioner is ready and willing to cooperate with the investigation and shall appear before the Investigating Officer as and when required.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner and since the co-accused husband has already been taken into custody and released on bail and keeping in view the proviso to section 437(1) Cr.P.C., I am inclined to release the petitioner on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner in connection with the aforesaid case, she shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties each for the like amount to the satisfaction of the arresting officer with further conditions that she shall appear before the Investigating Officer on receipt of the written notice and she shall cooperate with the investigation and shall further appear before the Investigating Officer as and when required and she shall not try to tamper with the evidence in any manner.

If the petitioner fails to appear on receipt of written notice or does not cooperate with the investigation, the prosecuting agency is at liberty to seek appropriate remedy for cancellation of the anticipatory bail order of the petitioner.

The ABLAPL is accordingly disposed of.

Parties may utilize the soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner prescribed vide Office Order dated 7th January 2022.

(S.K. Sahoo)
Judge



RKM