

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1121 of 2022

Padmanav Mahananda* *Petitioner

Mr. S.N. Mishra-4, Advocate

-versus-

***State of Odisha* *Opp. Party*
(Vigilance)**

Mr. M.S. Rizvi

Addl. Standing Counsel

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

**ORDER
10.05.2022**

Order No.

04. 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 Koraput Vigilance P.S. Case No.03 of 2016 corresponding to G.R. (Vigilance) Case No.05 of 2016 pending in the Court of learned Special Judge (Vigilance), Bhawanipatna for alleged commission of offences under section 13(2) read with section 13(1)(d) of the Prevention of Corruption Act, 1988 and section 409 of the Indian Penal Code.

Perused the F.I.R.

As per the order dated 20.04.2022, Mr. M.S. Rizvi, learned Additional Standing Counsel for the Vigilance Department has obtained written instruction dated 29.04.2022 from the Superintendent of Police, Vigilance, Koraput Division, Jeypore that a sum of Rs.3,55,043/- (rupees three lakhs fifty five thousand forty three) has been recovered from the salary payable to the petitioner and the said recovered amount has been paid to D.P.C., S.S., Kalahandi. The letter of the Block Education Officer, Bhawanipatna with IFMS Bill has been enclosed with the letter. The written instruction is taken on record.

Learned Additional Standing Counsel for the Vigilance Department submitted that the interrogation of the petitioner may be required.

Learned counsel for the petitioner submitted that the petitioner is ready and willing to cooperate with the investigation.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, since the misappropriated amount has already been recovered, the interim order dated 27.04.2022 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 and he shall not try to

tamper with the evidence.

Violation of any terms and conditions shall entail cancellation of bail.

The ABLAPL is accordingly disposed of.

A free copy of this order be handed over to the learned Additional Standing Counsel for the Vigilance Department.

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

(S.K. Sahoo)
Judge



RKM