

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1303 of 2022

Santilata Sa

....

Petitioner

Mr. H.S. Mishra, *Advocate*

-versus-

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

....

Opp. Party

*Mrs. Jyotsnarani Tripathy,
Addl. Standing Counsel (Vig.)*

CORAM:

JUSTICE S.K. SAHOO

ORDER

15.02.2022

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and Mrs. Jyotsnarani Tripathy, 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 Sambalpur Vigilance P.S. Case No.2 of 2022 corresponding to V.G.R. Case No. 2 of 2022 pending in the Court of learned Special Judge, Vigilance, Bolangir for alleged commission of offences under sections 13(2) read with section 13(1)(b)/12 of the P.C. Act.

Learned counsel for the petitioner submitted that petitioner is an Asst. Teacher of a Government Upper Primary School at Bharat Bahal in the district of Bolangir and the main accusation is against her husband Sri Prafulla Kumar Sa who is a Section Officer, Agalpur Block, Duduka under Loisinga police station in the district of Bolangir and the petitioner has been falsely entangled in the case and the ingredients of offences under which the case has been registered are not attracted and the petitioner is ready and willing to cooperate with the investigation and keeping in view the proviso to section 437(1) of Cr.P.C., the anticipatory bail application of the petitioner may be favourably considered.

Mrs. Tripathy, learned Additional Standing Counsel for the Vigilance Department on instruction submitted that the custodial interrogation of the petitioner is not necessary but her interrogation is necessary.

Considering the submission made by the learned counsel for the respective parties, the nature of accusation against the petitioner, since the petitioner is a lady and keeping in view the proviso to section 437(1) of 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 the petitioner shall appear before the Investigating Officer as and when required but to that effect, written intimation shall given to the petitioner in advance. The petitioner shall not try to tamper with the evidence. If the petitioner fails to appear on the date fixed or does not cooperate with the investigation or tampers with the evidence, 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.

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

(S.K. Sahoo)
Judge

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