

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1603 of 2022

Bhagyalata Sethy* *Petitioner

Mr. Debasnan Das, 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 Cuttack Vigilance P.S. Case No.09 of 2022 corresponding to Vigilance G.R. Case No.04 of 2022 pending in the Court of learned Special Judge, Vigilance, 1st Court, Cuttack for alleged commission of offences under section 13(2) read with section 13(1)(b) of the Prevention of Corruption (Amendment) Act, 2018 and section 34 of the Indian Penal Code.

Perused the F.I.R.

As per the order dated 26.04.2022, Mr. M.S. Rizvi, learned Additional Standing Counsel for the Vigilance Department has produced the written instruction dated 26.04.2022 from the Deputy Superintendent of Police, Vigilance, Cuttack Division, Cuttack, which indicates that the petitioner has been examined and she has received some articles, pass book in her zima and the investigation is in active stage and no custodial interrogation is required now but she must cooperate with the investigation as and when required. The written instruction is taken on record.

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

Considering the submissions made by the learned counsel for the respective parties, after going through the written instruction obtained by the learned Additional Standing Counsel for the Vigilance Department and the proviso to section 437(1) Cr.P.C., the interim order dated 26.04.2022 is made absolute subject to conditions that the petitioner shall appear before the Investigating Officer as and when required but to that effect, written notice should be given to the petitioner in advance indicating the date, time and place of appearance and she shall fully cooperate with

the investigation and she shall not try to tamper with the evidence in any manner. If the petitioner flouts any terms and conditions, 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.

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