

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 1763 of 2022

Sanjay Nayak

....

Petitioner

Mr.P.S. Nayak, *Advocate*

-versus-

State of Odisha (Vig.)

....

Opp. Party

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

CORAM:

JUSTICE S.K. SAHOO

ORDER

03.03.2022

Order No.

01.

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

Heard learned counsel for the petitioner and Mr. M.S. Rizvi, learned Addl. Standing Counsel for the Vigilance Department.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with V.G.R. Case No.03 of 2022 arising out of Rourkela Vigilance P.S. Case No.03 of 2022 pending in the Court of learned Addl. Sessions Judge –cum-Special Judge (Vigilance), Sundargarh for alleged commission of offences under section 12/13(1)(b)/13 (2) of the Prevention of Corruption (Amendment) Act,

2018.

Perused the F.I.R.

Learned counsel for the petitioner submitted that the petitioner is serving in a Private Company i.e., TATA Steel Ltd. and he has been falsely entangled in the case as an abettor merely because he is the brother of the public servant Manoranjan Nayak who is the Asst. Collector in the office of A.D.M., Rourkela. He further submitted that the salary of the petitioner and his wife's salary have not been properly taken into account so also the loan which he has obtained for purchasing the house shown under the assets heading and therefore, the anticipatory bail application of the petitioner may be favourably considered.

Mr. M.S. Rizvi, learned counsel for the Vigilance Department on instruction submitted that the custodial interrogation is not necessary but he must cooperate with the investigation of the case.

Considering the submissions made by the respective parties, the nature of accusation against the petitioner, 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, he shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties for the like amount to the satisfaction of the arresting officer with

further conditions that he shall cooperate with the investigation and shall further appear before the Investigating Officer as and when required but to that effect, written intimation has to be served on the petitioner in advance. If the petitioner fails to appear on the date fixed 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.

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

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