

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1846 of 2022

L. Nakshyatramala Das* *Petitioner

Mr. D.K. Patra, Advocate

-versus-

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

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

CORAM:

JUSTICE S.K. SAHOO

ORDER

08.03.2022

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 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 Berhampur Vigilance P.S. Case No.21 of 2021 corresponding to G.R. Case No.12 of 2021 (V) pending in the Court of learned Addl. Sessions Judge -cum- Special Judge (Vigilance), Berhampur for alleged commission of offences under sections 13(2) read with section 13(1)(b)/12 of the Prevention of Corruption

(Amendment) Act, 2018.

Learned counsel for the petitioner submitted that the petitioner is the wife of the public servant, namely, Sri L. Kamaraju Das, who is serving as Junior Assistant, R & B Division No.1, Berhampur in the district of Ganjam and she has been falsely entangled in the case and her husband was taken into judicial custody in connection with this case and he has already been released on bail by this Court in BLAPL No.164 of 2022. He further submitted that the ingredients of offences under which the case has been registered are not attracted 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.

Mr. M.S. Rizvi, learned Additional Standing Counsel for the Vigilance Department pointed out from the F.I.R. about the immovable assets as well as the deposits which are standing in the name of the petitioner, who is the house wife. However, he fairly submitted that the custodial interrogation of the petitioner is not necessary but her interrogation is necessary.

Learned counsel for the petitioner submitted that the petitioner is ready and willing to co-operate with the investigation.

Considering the submission made by the

learned counsel for the respective parties, the nature of accusation against the petitioner, release of the co-accused on bail and 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 that she shall cooperate with the investigation and further appear before the Investigating Officer as and when required but to that effect, written intimation shall be 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.

