

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1882 of 2022

Diptimayee Mishra @ Choudhury ***Petitioner***

Mr. Devashis Panda, Advocate

-versus-

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

*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 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 V.G.R. Case No.08 of 2022 arising out of Cuttack Vigilance P.S. Case No.13 of 2022 pending in the Court of learned Special Judge, Vigilance, Cuttack for alleged commission of offences under section 13(2) read with sections 13(1)(b)/12 of the Prevention of Corruption Act, 1988 as amended by Prevention of Corruption (Amendment) Act, 2018.

Perused the F.I.R.

Mr. Devashis Panda, learned counsel for the petitioner submitted that the petitioner is the wife of the public servant, Mr. Trinath Mishra, ex-Additional Superintendent of Police, Communication, Tulasipur, Cuttack and her husband was implicated in the disproportionate assets case and in the meantime, he has been taken into custody and terminated from his service. It is further argued that the first information report has been lodged basing on incorrect data relating to the movable as well as immovable assets so also the expenditure and if the petitioner is given an opportunity to explain, she can very well convince the Investigating Officer that there is no disproportionate assets in the case. It is further submitted that the ingredients of the offences are not attracted and keeping in view the proviso to section 437(1) 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, on the other hand, on instruction from Sri Sushil Ekka, Deputy Superintendent of Police, Investigating Officer submitted that custodial interrogation of the petitioner is not required but she is required to be interrogated during the course of investigation.

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

with the investigation and she will appear before the Investigating Officer as and when required.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, since no custodial interrogation is necessary as submitted by the learned Additional Standing Counsel and the fact that the petitioner is ready and willing to cooperate with the investigation, keeping in view the proviso to section 437(1) Cr.P.C., I am inclined to release the petitioner on anticipatory bail.

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.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the arresting officer with further conditions that she shall appear before the Investigating Officer on receipt of the written notice as and when required and she shall cooperate with the investigation and shall not try to tamper with the evidence in any manner. If the petitioner fails to appear before the Investigating Officer on receipt of written notice 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 in accordance with law.

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

