

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1588 of 2022

Bairagi Charan Behera

....

Petitioner

Mr. H.K.Mund,
Advocate

-versus-

State of Odisha

....

Opposite Party

Mrs.J. Tripathy
Addl. Standing Counsel(Vigilance)

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

15.3.2022.

Order No.

01. 1. This matter is taken up through hybrid mode.
2. Heard Mr. H.K.Mund, learned counsel for the Petitioner and Mrs.J. Tripathy, learned Addl. Standing Counsel for the Vigilance Department.
3. The Petitioner is in custody since 11th February, 2022 in connection with Berhampur Vigilance P.S. Case No.2/2022 corresponding to V.G.R. Case No.1/2022 pending in the court of learned Special Judge, Vigilance, Phulbani, for the alleged commission of the offence under Sections 13(2) read with Sections 13(1)(b)/12 of P.C. Act.

4. It is submitted by learned counsel for the Petitioner that the calculation of the income and expenditure of the Petitioner is erroneous. Citing an example it is submitted that though the purchase of agricultural land has been included in the assets side yet, the corresponding income from such source has not been taken into consideration. Similarly, it is submitted that the construction of Poultry farm has been included in the assets but the corresponding income from such source has not been taken into account. It is further submitted that the fact of submission of property statements and the fact of submission of I.T. returns by the Petitioner and his wife during the relevant period have also not been taken into consideration.

5. Mrs. J.Tripathy, learned Addl. Standing Counsel appearing for the Vigilance Department, has opposed the prayer for by submitting that investigation is going on and, hence, some further evidence may also come out showing the guilt of the Petitioner.

6. Considering the submissions as above, the materials on record and the fact that in so far as investigation is concerned, practically all necessary steps appear to have been taken, this Court finds no justified reason to detain the Petitioner in custody any further. The bail application is, therefore allowed.

7. Let the Petitioner be released on bail in the aforesaid case on such terms and conditions as may be imposed by the Court in seisin over the matter including the condition that he shall

appear before the trial court on each date of posting of the case without fail, he shall fully co-operate with the Investigating Officer in investigation of the case and he shall appear before the Investigating Officer as and when required by him.

8. The BLAPL is disposed of.

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

AKB



(Sashikanta Mishra)
Judge