

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1986 of 2022

Sukanta Kumar Jena

....

Petitioner

Mr. Asok Mohanty, Sr. Adv.

- Versus -

State of Odisha

.... Opposite Party

Ms. J. Tripathy, Addl. Standing Counsel
(Vigilance)

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

09.03.2022

I.A. No. 353 of 2022

Order No.

1.

1. This matter is taken up through hybrid mode.
2. Heard Mr. Asok Mohanty, learned Senior Counsel appearing for the petitioner and Ms. J. Tripathy, learned Addl. Standing Counsel appearing for the Vigilance.
3. Learned Senior Counsel for the petitioner submits that he does not wish to press the I.A.
4. The I.A. is dismissed as not-pressed.

(Sashikanta Mishra)
Judge

BLAPL No. 1986 of 2022

Order No.

2.

5. Heard Mr. Asok Mohanty, learned Senior Counsel appearing for the petitioner and Ms. J. Tripathy, learned Addl. Standing Counsel appearing for the Vigilance.
6. The petitioner is in custody since 25.02.2022 in connection with Bhubaneswar Vigilance P.S. Case No.5 of 2022

corresponding to V.G.R. Case No.8 of 2022 pending in the Court of learned Special Judge, Vigilance, Bhubaneswar for the alleged commission of offence under Sections 13(2) read with 13(1)(b) of Prevention of Corruption Act, 1988 as amended by P.C. (Amendment) Act, 2018.

7. It is submitted by learned Senior Counsel that the entire calculation of assets and income as also the items of expenditure as made in the FIR is full of discrepancies. To cite an example, it is submitted that the value of the car has been indicated as Rs.9,99,900/-, whereas the repayment of car loan has been shown as Rs.10,06,000/-. Further while calculating the items of expenditure, the total maturity value of the investments made by the petitioner in different life insurance and health insurance policies have been taken instead of the premium actually paid. On such basis it is submitted that the assets said to be disproportionate to the known sources of income of the petitioner have been unduly exaggerated only to entangle him in the case.

8. Ms. J. Tripathy, learned Addl. Standing Counsel for vigilance has opposed the prayer for bail and submits on instruction received from S.K. Behera, DSP Vigilance, Nayagarh Unit that the petitioner was found to be in possession of huge assets, which is grossly disproportionate to the extent of 304% of his known sources of income and since he could not give satisfactory explanation for possessing such assets, the case has rightly been foisted against him. However, on query by the Court, it is fairly submitted by Ms. Tripathy that at present there is no necessity of any custodial interrogation of the petitioner.

9. Having regard to the submissions as above, the materials on record and the fact that nothing more requires to be done in so far as the investigation is concerned, I find further detention of the petitioner in custody unnecessary. As such, the prayer for bail is allowed. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial Court on each date of posting of the case without fail. Further he shall make himself available as and when required by the I.O. and fully cooperate with the investigation.

10. BLAPL is accordingly disposed of.

11. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

