

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2461 of 2022

Pinky Nayak

....

Petitioner

Mr.S.P. Dash, Advocate

-versus-

State of Odisha (Vig.)

....

Opp. Party

*Mr. M.S. Rizvi,
Addl. Standing Counsel
(vigilance Department)*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
06.04.2022**

Order No.

02.

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

Heard learned counsel for the petitioner and learned 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 Cuttack Vigilance P.S. Case No.14 of 2022 corresponding to Vig. G.R. Case No.09 of 2022 pending in the Court of learned Special Judge, Vigilance, Cuttack for alleged commission of offences under section 13(2) read with section 13(1)(b) and section 12 of the P.C. (Amendment) Act, 2018.

Learned counsel for the petitioner submitted that the petitioner is a housewife and she is the wife

of a public servant, namely, Hare Krushna Nayak, who was working as ASI, OMVD, Jharsuguda. It is further submitted that the public servant was taken into judicial custody and has been released on bail and there is no such material available on record against the petitioner to constitute the ingredients of the offences alleged and keeping in view the proviso to section 437(1) of Cr.P.C., the anticipatory bail application may be favourably considered.

Mr. M.S. Rizvi, learned counsel for the Vigilance Department on instruction submitted that no custodial interrogation of the petitioner is necessary, but the petitioner has to cooperate with the investigation of the case.

Learned counsel for the petitioner submits that the petitioner is ready and willing to appear before the I.O. as and when required and she will cooperate with the investigation.

Considering the submissions of the learned counsel for the respective parties, the nature of accusation against the petitioner 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 make herself available before the I.O. as and when required and to that effect, notice in writing be served on her in advance and she shall not try to tamper with the evidence. If the petitioner fails to appear before the I.O. on the date fixed or fails to cooperate with the investigation, the prosecuting agency is at liberty to seek appropriate remedy for cancellation of bail.

The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

A free copy of this order be handed over to Mr. Rizvi, learned Addl. Standing Counsel appearing for the Vigilance Department.

