

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2607 of 2022

Sarbeswar Nayak **Petitioner**

Mr. R.N. Rout, Advocate

-versus-

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

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

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

ORDER
05.04.2022

Order No.

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

Learned counsel for the petitioner submitted that the year of the ABLAPL has been mentioned as '2021' in the cause title and he may be permitted to correct the same as '2022'.

Permission is granted.

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.20 of 2016 arising out of Balasore Vigilance P.S. Case No.44 of 2016

pending in the Court of learned Special Judge, Vigilance, Baripada for alleged commission of offences under section 13(2) read with sections 13(1)(c) of the Prevention of Corruption Act, 1988 read with section 409 of the Indian Penal Code.

Perused the F.I.R.

It is a case of the year 2016 in which charge sheet has been submitted against the petitioner showing him as not arrested.

Learned counsel for the petitioner submitted that the petitioner is a retired Government servant and he is now aged about 67 years and from the charge sheet, the total misappropriation amount of Rs.5,51,882/- (rupees five lakhs fifty one thousand eight hundred eighty two). He further submitted that after submission of charge sheet, cognizance of offence has been taken and as per the order dated 14.02.2022, non-bailable warrant of arrest has been issued against the petitioner. The certified copy of the issuance of non-bailable warrant of arrest order is filed, which is taken on record.

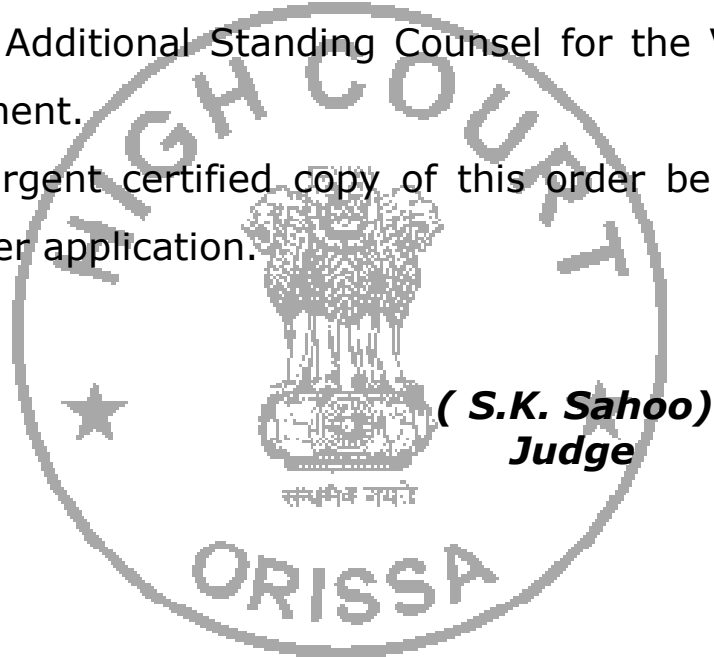
After hearing the learned counsel for both the parties, it is ordered that in the event the petitioner appear before the learned Special Judge, Vigilance, Baripada in V.G.R. Case No.20 of 2016 which arises out of Balasore Vigilance P.S. Case No.44 of 2016 within a period of two weeks from today and moves an application for bail, he shall be allowed to be

released on bail subject to the condition that he shall deposit the cash security amount of the misappropriation amount as per the charge sheet, which shall be kept in short term fixed deposit in any Nationalized Bank and it would be renewed from time to time. The disbursement of the said amount will be subject of the result of the case.

Violation of any of the above conditions shall entail cancellation of bail.

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.



RKM