

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2507 of 2022

Harekrushna Nayak

....

Petitioner

Mr. A.K. Baral, Advocate

- Versus -

State of Odisha (Vig.)

.... **Opposite Party**

Ms.J. Tripathy, Addl. Standing Counsel for
Vigialnce

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

05.04.2022

Order No.

1.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 26.02.2022 in connection with Cuttack Vigilance P.S. Case No.14 of 2022 corresponding to Vigilance G.R. Case No.09 of 2022 pending in the Court of learned Special Judge, Vigilance, Cuttack for the alleged commission of offence under Sections 13(1) read with 13(1)(b)/12 of P.C. Act.
4. The prosecution allegation is that the petitioner amassed assets grossly disproportionate to his known sources of income to the extent of 478%, i.e., Rs.2,24,19,798/-.
5. Learned counsel for the petitioner has drawn attention of the Court to the FIR wherein under the heading assets (immovable), two properties- one double storied building at Bidyanathpur-68, Berhampur and another double storied building at Maluda, Sabaramati Sahi have been included. In so far as the building at Bidyanathpur-68, Berhampur is concerned, it is submitted that the same was gifted by the petitioner's mother-in-law to his wife. Similarly, the building at Maluda, Sabaramati Sahi is said to be the

joint property. Further, the value of both the buildings has been wrongly included in the assets of the petitioner which by itself is more than Rs.1 crore. There are also discrepancies in the calculation of the assets as per the FIR.

6. Learned Addl. Standing Counsel for the Vigilance has opposed the prayer for bail by submitting that investigation being in progress, the petitioner if released, may not cooperate with the same.

7. As it appears, all necessary steps required for investigation appear to have been taken. Moreover, the case rests entirely on documentary evidence, most of which appear to have been collected by the investigating agency.

8. Under such circumstances and taking into consideration the period of detention of the petitioner in custody, I am inclined to allow the prayer for bail. 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:

- (i) he shall personally appear before the trial Court on each date of posting of the case without fail;
- (ii) he shall make himself available as and when required by the I.O. and fully cooperate with the investigation; and
- (iii) he shall not leave the territorial jurisdiction of the Court in seisin over the matter without obtaining leave of the said Court.

9. BLAPL is accordingly disposed of.

10. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge