

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3161 of 2022

1. P. Raghaba Rao Patro

2. P. Jyoshna Patro

.... Petitioners

Mr.G.K. Nayak, Advocate

-versus-

State of Odisha

.... Opp. Party

*Mr.J.P. Patra,
Addl. Standing Counsel*

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

**ORDER
05.05.2022**

Order No.

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

Heard learned counsel for the petitioners and learned counsel for the Vigilance Department.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in connection with Berhampur Vigilance P.S. Case No.35 of 2018 corresponding to G.R. Case No.27 of 2018 pending in the Court of learned Special Judge, Vigilance, Berhampur 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.

Mr. M.S. Rizvi, learned counsel for the Vigilance Department submitted that the petitioner no.1 P. Raghab Rao

Patro who was the Pharmacist, Bomkei, CHC is the public servant and it is a case of the year 2018 and his custodial interrogation is very much necessary but so far petitioner no.2 P. Jyoshna Patro who is the wife of petitioner no.1 is concerned, no custodial interrogation is necessary but she is required to cooperate with the investigation of the case

Learned counsel for the petitioners submits that the petitioner no.2 is cooperating and she will continue to cooperate with the investigation.

Considering the submissions of learned counsel for the respective parties, the nature of accusation against the petitioner no.1, while not inclining to grant anticipatory bail to the petitioner no.1, it is observed that in the event the petitioner no.1 surrenders in the Court below within a period of four weeks from today and move for bail, the same shall be disposed of as expeditiously as possible by the Court below in accordance with law. The case records shall be made available to the Court concerned for adjudication of the bail application.

So far as petitioner no.2 is concerned, keeping in view the nature of accusation and the proviso to section 437(1) of Cr.P.C., I am inclined to release the petitioner no.2 on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner no.2 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 the petitioner no.2 will continue to co-operate with investigation and appear before

the Investigating Officer as and when required, and shall not try to tamper with the evidence. Violation of any terms and conditions shall entail 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.

(S.K. Sahoo)
Judge



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