

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3586 of 2022

Nirupama Palita @ **Petitioner**
Nurupama Behuria

Mr.D.P. Dhal, Senior Advocate

-versus-

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

Mr.M.S. Rizvi,
Addl. Standing Counsel (Vig.)

CORAM:
JUSTICE S.K. SAHOO

ORDER
18.05.2022

Order No.

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

Heard Mr. D.P. Dhal, the learned Senior Advocate for the petitioner and Mr. M.S. Rizvi, learned Addl. 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 Balasore Vigilance P.S. Case No.03 of 2022 corresponding to VGR Case No.01 of 2022 pending in the Court of learned Special Judge, Vigilance, Balasore for the commission of the alleged offences punishable under sections 13(2) read with section 13(1)(b) and section 12 of Prevention of Corruption (Amendment) Act, 2018.

Learned counsel for the petitioner submitted that the petitioner is the wife of the public servant, namely, Pramod

Kumar Behuria, who was working as Asst. Engineer, RW Section, Soro under Rural Works Division-II, Balasore. It is further submitted that the husband of the petitioner has already been taken into custody in connection with this case and he has been released on bail. He further submitted that there is no such material available on record against the petitioner to constitute the ingredients of the offences alleged and since the petitioner is a lady, 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 Additional Standing Counsel for the Vigilance Department produced written instruction dated 04.04.2022 received from the Deputy Superintendent of Police, Vigilance, Bhadrak Unit, Bhadrak from which it appears that the custodial interrogation as well as taking of the petitioner on remand is not required. However, it appears that the petitioner is not disclosing regarding the concealment place of the properties as well as Benami properties.

Learned counsel for the petitioner submits that the petitioner is ready and willing to cooperate with the investigation and appear before the Investigating Officer and when required.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner and since the petitioner is a lady, 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 for interrogation by the I.O. as and when required and for that purpose a notice in writing shall be served on her in advance and she shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing any facts to the Courts or to the Investigating Officer with further conditions that the petitioner shall cooperate with the investigation as and when required and she shall not try to tamper with the evidence. Violation of any of the above 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 shall be handed over to the learned counsel for the Vigilance Department.

(S.K. Sahoo)
Judge