

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3721 of 2022

Dilip Swain and another *Petitioner*

-versus-

State of Odisha (Vigilance) *Opposite Party*

CORAM: JUSTICE S. PUJAHARI

ORDER
24.06.2022

Order
No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioners apprehending their arrest in Cuttack Vigilance P.S. Case No.32 of 2021 registered for alleged commission of offences punishable under Sections 13(2) read with Section 13(1)(a) of the Prevention of Corruption Act and Sections 468, 470, 471, 420 and 120-B of the I.P.C., have filed this petition for their release on pre-arrest bail.
3. Heard the learned counsel for the Petitioners and Mrs. J.R. Tripathy, learned Additional Standing Counsel appearing for the Vigilance Department.
4. It appears that the Petitioners have been indicted in the aforesaid case for purchasing inferior quality of street light which has caused lost to the Government for more than one lakh.
5. It also appears that the Petitioners had earlier approached this Court vide ABLAPL No.15204 of 2021, which was disposed as withdrawn with liberty to file an application when a case is registered,

as the case was not registered then. Now the Petitioners have come to this Court by filing this application.

6. Learned counsel for the Petitioners submits that since the Petitioners are ready and willing to cooperate with the investigation, they may be released on pre-arrest bail.

7. However, Mrs. J.R. Tripathy, learned Additional Standing Counsel appearing for the Vigilance Department vehemently opposes the prayer for pre-arrest bail of the Petitioners.

8. On consideration of the facts and submissions made, especially the nature of accusation, character of incriminating materials, circumstances in which the offences stated to have been committed, coupled with the fact that the Petitioners are ready and willing to cooperate with the investigation, this Court directs that in the event of arrest of the Petitioners in connection with the aforesaid case, they be released on bail by the Officer effecting arrest on such terms and conditions as deemed just and proper including the conditions that they shall cooperate with the investigation. Needless to say that, any violation of the conditions imposed after release of the Petitioners, the State (Vigilance) is at liberty to move this Court seeking his cancellation of bail.

9. The ABLAPL is, accordingly, disposed of being allowed.

10. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge