

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3826 of 2022

Basanta Kumar Jena

....

Petitioner

Mr. Udit Ranjan Jena, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.S. Rizvi, A.S.C.(Vigilance)

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

23.08.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the Vigilance Department.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 468/477-A/409, I.P.C. and Section 13(2) read with Section 13(1)(c) of the P.C. Act.
4. Perused the order dated 17.05.2022. Learned counsel for the Vigilance Department had no instruction whether the Petitioner has already deposited the misappropriated amount of Rs.10,09,758/-, though learned counsel for the Petitioner had submitted that the entire amount has already been deposited. Today, on instruction, learned Counsel for the Vigilance Department submits that the Petitioner has deposited a sum of Rs.9,17,444/- (Rupees Nine Lakh seventeen thousand four hundred forty-four only). However, learned

counsel for the Petitioner reiterates his submission that the entire amount of Rs.10,09,758/- has already been deposited.

5. Considering the aforesaid submissions of the parties, and the nature and gravity of the offence, although I am not inclined to grant anticipatory bail to the Petitioner, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned Special Judge (Vigilance), Balasore in VGR Case No.14 of 2021 corresponding to Balasore Vigilance P.S. Case No.36 of 2021 within a period of three weeks from today, he shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper in the facts and circumstances of the case, but subject to the following further conditions –

(i) That, the Petitioner shall not indulge in similar offence again, while on bail;

(ii) He shall cooperate with the investigation and shall appear before the I.O. as and when required;

(iii) He shall also appear before the learned trial court on each date fixed for trial, without fail.

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

6. The ABLAPL is disposed of accordingly.

7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge