

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3168 of 2022

Banamali Naik

....

Petitioner

Mr. U.K.Samal, Advocate

-versus-

State of Odisha (Vig)

....

Opposite Party

Mrs.J. Tripathy

Addl. Standing Counsel(Vigilance)

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

04.5.2022.

Order No.

01. 1. This matter is taken up through hybrid mode.
2. Heard Mr. U.K.Samal, learned counsel for the Petitioner and Mrs. J. Tripathy, learned Addl. Standing Counsel for the Vigilance Department.
3. The Petitioner is in custody since 3rd April, 2022 in connection with Rourkela Vigilance P.S. Case No.08/2022 corresponding to V.G.R. Case No.08/2022 pending in the court of learned Special Judge, Vigilance, Sundargarh, for the alleged commission of the offence under Sections 13(2) read with Sections 13(1)(b)/12 of P.C. Act.

4. The prosecution allegation is that the Petitioner had amassed wealth grossly disproportionate to his known sources of incomes to the extent of 172%. Learned counsel for the Petitioner, referring to the F.I.R., has submitted that the Petitioner's son is a "A" Class Contractor and has his own income from which certain movable and immovable assets have been created. That apart, the Petitioner had purchased a land in the year 1994 and constructed a house therefrom by availing loan, but the house thereon has been valued at the present market value without taking into account the loan availed for the said purpose. That apart, several other properties have been grossly over valued and the fixed deposits standing in the name of the son of the Petitioner, who has independent income, have been included to show the income of the Petitioner. Learned counsel for the Petitioner has also pointed out several other discrepancies in the calculation of the extent of disproportionate assets.

5. Mrs. J.Tripathy, learned Addl. Standing Counsel appearing for the Vigilance Department, has opposed the prayer by submitting that investigating is going on and, hence, some further evidence may also come out showing guilt of the Petitioner.

6. Considering the submissions as above and the materials on record, which prima facie show certain discrepancies in the calculation of the income and assets of the Petitioner as also

taking into consideration the period of his detention in custody, this Court is of the opinion that his further detention does not appear to be justified. The Bail Application is, therefore, allowed.

7. Let the Petitioner be released on bail in the aforesaid case on such terms and conditions as may be imposed by the Court in seisin over the matter including the condition that he shall appear before the trial court on each date of posting of the case without fail, he shall fully co-operate with the Investigating Officer in investigation of the case and he shall appear before the Investigating Officer as and when required by him. Further, he shall not leave the territorial jurisdiction of the Court without obtaining leave of the Court.

8. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge