

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3486 of 2022

Ashisa @ Asish Kumar Dash *Petitioner*
Mr. Gautam Misra, Sr. Advocate and
Mr.Dinesh Kumar Patra, Advocate
-versus-
State of Odisha (Vigilance) *Opposite Party*
Standing Counsel for Vigilance Deptt.

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
16.05.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Jeypore Vigilance P.S. Case No.9 of 2022, correspondents to G.R. Case No.7 of 2022(V), pending in the file of learned Addl. Sessions Judge-cum-Special Judge (Vigilance), Jeypore, for commission of alleged offences under Sections 13(2) r/w Section 13(1)(b) of the Prevention of Corruption (Amendment) Act, 2018.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. Learned counsel for the Petitioner submits that the Petitioner is in custody since 30.03.2022. It is further submitted that Petitioner has been targeted to wreck vengeance against

him and he was not given an opportunity to show his bonafide. It is further submitted that the alleged amount is out of the income of the Petitioner from different sources and the money which the Petitioner had saved earlier out of his own salary. It is submitted that Petitioner is a law abiding citizen and taking note of his age and the nature of evidence in the instant case, he may be released on bail. It is also submitted that Petitioner shall abide by the terms and conditions as fixed by this Hon'ble Court in the event of release on bail.

5. Learned counsel for the Vigilance Department vehemently opposes the bail application of the Petitioner on the ground that petitioner is implicated in serious crime. It is accordantly submitted that no leniency should be shown to the accused person. She prays for rejection of the bail application of the Petitioner.

6. Having heard learned counsel for the parties and considering the custodial detention of the Petitioner and the peculiar facts and circumstances of the case, this Court is inclined to release the Petitioner on bail subject to stringent conditions. Let the Petitioner be released on bail subject to furnishing bail bond of Rs.50,000/- (Rupees Fifty thousand) with two solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions :

- i) He shall not indulge in similar nature of offence;

ii) He shall appear before the trial court on each and every date and shall cooperate for early conclusion of trial;

iii) He shall not tamper with the prosecution evidence and shall not make any attempt to influence or threaten the witnesses;

iv) He shall provide his address as well as his phone number to the concerned Police Station and keep the same updated in the event the same is changed in future;

v) He shall appear before the concerned Police Station as and when required;

vi) He shall not leave the jurisdiction of the court without prior permission of the trial court and shall surrender his travel document including passport, if any, before the trial court.

vii) Violation of any of the terms and conditions shall entail cancellation of bail.

7. With the aforesaid observation the BLAPL stands disposed of.

8. Urgent certified copy of this order be granted on proper application, in course of the day.

(A.K. Mohapatra)
Judge