

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.5544 of 2022

Sajjan Singh Yadav

....

Petitioner

Mr. D.P. Nanda, Sr. Advocate

-versus-

Central Bureau of Investigation

....

Opposite Party

Mr. Sarthak Nayak, Standing Counsel (CBI)

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

19.07.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard Mr. D.P. Nanda, learned Senior Counsel for the Petitioner and Mr. Sarthak Nayak, learned Standing Counsel for the CBI.
3. Petitioner has filed this application under Section 438, Cr.P.C. apprehending arrest in connection with CBI/ACB BHUBANESWAR P.S. Case No.RC0152022A0007, Dated 24.04.2022, which was registered under Section 7 of the Prevention of Corruption Act, 1988 read with Section 120-B of the I.P.C. pending in the file of the C.B.I. Court, Bhubaneswar.
4. Mr. D.P. Nanda, learned Sr. Counsel for the Petitioner submits that, pursuant to the order dated 10.06.2022 passed by this Court, the Petitioner appeared before the Investigating Officer on

27.06.2022 and cooperated in the investigation. Further, on the very next date, i.e. on 28.06.2022 Voice Sample of the Petitioner has been taken and the same has been sent for forensic examination. He further submits that the Petitioner is ready and willing to cooperate in the investigation and shall appear as and when required by the CBI in connection with the present case.

5. Mr. Sarthak Nayak, learned counsel appearing for the CBI does not dispute to the fact that the Petitioner appeared before the Investigating Authority on 27th and 28th of June, 2022 and that he has also joined with the investigation. However, Mr. Nayak, learned counsel for the CBI strongly objects to release of the Petitioner on anticipatory bail at this stage of the investigation.

6. Considering the facts and circumstances of the present case and taking into consideration the fact that the Petitioner is cooperating with the investigation and appearing before the authorities, as has been directed by this Court, though this Court is not inclined to release the Petitioner on anticipatory bail, but it is directed that, in the event the Petitioner surrenders before the learned CBI Court at Bhubaneswar and moves application for bail in the aforesaid case, the Petitioner shall be allowed to go on bail by the learned CBI Court in seisin over the matter subject to the conditions that the Petitioner shall regularly appear before the Investigating Authority and shall cooperate in the investigation of the case as and when required, without fail. Further, the release of the Petitioner on bail shall be subject to such other suitable terms and conditions as would be fixed by the learned CBI Court in seisin over the matter.

7. The ABLAPL is disposed of accordingly.
8. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge

S.K.Parida

