

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4220 of 2022

Babuli Charan Padhiari

....

Petitioner

Mr.U.C.Mishra, Advocate

-versus-

State of Odisha(Vig.)

....

Opposite Party

*Mrs.J.Tripathy, Standing Counsel,
Vigilance.*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

13.06.2022

Order No.

03.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as the learned Standing Counsel for the Vigilance Department.
3. This is an application under Section 439 of the Criminal Procedure Code filed by the Petitioner to release him on regular bail in connection with Bhubaneswar Vigilance P.S.Case No.09 of 2022 corresponding to V.G.R.Case No.12 of 2022 pending in the Court of the learned Special Judge (Vigilance), Bhubaneswar for commission of an alleged offence under Sections 13(2) read with 13(1)(b)/12 of the P.C.Act, 1988 as amended by the P.C. (Amendment) Act, 2018).
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in jail custody since 26.04.2022. It is also submitted by the learned counsel for the Petitioner that the Petitioner is innocent and has been falsely implicated in the present case out of ill will on the part of the Investigating agency. It is further submitted by

the learned counsel for the Petitioner that since the Petitioner is the permanent inhabitant of Khurda district, there is no chance of his absconding or fleeing from receiving justice. In the event of his release by this Court, the Petitioner shall appear before the trial court on each date of posting of the case and is ready and willing to abide by the terms and conditions that may be imposed by this Court.

6. Learned Standing Counsel for the Vigilance department on the other hand opposes the prayer for bail of the Petitioner and submits that the Petitioner hails from a middle class family and that by abusing his official post, he has accumulated such huge assets and property against which he has failed to give reasonable explanation. He also submits that since the investigation of the case is on progress there is every possibility of tamper with the prosecution evidence in the event of his release on bail.

7. Considering the aforesaid submissions and keeping in view the entire facts of the case and the period of custodial detention of the Petitioner and keeping in view the fact that the Petitioner is a permanent inhabitant of Khurda district, there is no chance of his absconding, this Court is inclined to grant bail to the Petitioner and it is directed that let the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) each with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following conditions:

- i) he shall cooperate with the Investigating Officer and shall appear before the I.O. as and when required for the purpose of investigation.
- ii) shall not indulge in any offence of similar nature
- iii) shall not tamper with the prosecution evidence while on bail.

- iv) shall not influence or threaten any prosecution witnesses while on bail.
 - v) Violation of any of the terms and conditions shall entail cancellation of bail.
8. The trial court may also impose any other condition(s) as deem fit and proper.
9. The Bail Application is accordingly disposed of.
10. Issue urgent certified copy of this order as per Rules.

RKS

(A.K. Mohapatra)
Vacation Judge

