

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4284 of 2022

Harihara Swain

.... ***Petitioner***
Mr.Jagabandhu Sahu, 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.

02.

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 Sambalpur Vigilance P.S.Case No.19 of 2022 corresponding to Vigilance G.R.Case No.10 of 2022 pending in the Court of the learned Special Judge (Vigilance), Balangir for commission of an alleged offence under Sections 7(b) of the Prevention of Corruption (Amendment) Act, 2018.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in jail custody since 10.05.2022. It is also submitted by the learned counsel for the Petitioner that the detection report and the statements of the witnesses clearly show that the Petitioner neither demanded nor accepted any money from the

complainant. He also submits that the alleged tainted money was not seized from the physical possession of the Petitioner; rather the same was received being kept on the table having been wrapped with a Sambad paper. It is also submitted by the learned counsel for the Petitioner that when the Petitioner knew that the complainant was absent on duty, he asked for explanation from the complainant and in order to save him, the complainant foisted this false case.

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 was caught red handed while receiving bribe from the complainant and the investigation of the case is in progress. Accordingly, learned Additional Standing Counsel urges rejection of the bail application of the Petitioner.

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 Balangir 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 investigation of the case 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

