

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6040 of 2022

Basant Kumar Khatua* *Petitioner

Mr.S.K. Das, Advocate

-versus-

State of Odisha (Vig.)* *Opp. Party

*Mr. M.S. Rizvi,
Addl. Standing Counsel for
Vigilance*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
29.06.2022**

Order No.

02. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard the learned counsel for the petitioner and learned counsel for the State.

This is an application under section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Balasore Vigilance P.S. Case No.2 of 2015 corresponding to V.G.R. Case No. 2 of 2015 pending in the Court of learned Special Judge, Vigilance, Balasore for the commission of the alleged offences punishable under sections 409/477-A/120-B of the Indian Penal Code and section 13(2) read with section 13(1)(c)(d) of the P.C. Act, 1988.

Learned counsel for the petitioner submitted that the petitioner has not been named in the F.I.R. as an accused and the co-accused who has been named in the F.I.R., has been taken into custody and subsequently he has been released on bail and therefore, the anticipatory bail application of the petitioner may be favourably considered.

Mr. M.S. Rizvi, learned Addl. Standing Counsel for the Vigilance Department submitted that the co-accused persons collected electricity dues from the consumers to the tune of Rs.28 lakhs and odd but they deposited only Rs.23 lakhs even though the documentary evidence was available to show the collection of Rs.28 lakhs and odd and the petitioner was the cashier at the relevant time.

Considering the submissions of learned counsel for the respective parties, the nature of accusation against the petitioner and since the co-accused persons have already been released on bail, while not inclining to grant anticipatory bail to the petitioner, liberty is granted to the petitioner to surrender and move for bail in the Court below within a period of four weeks from today in the event of which the learned Court below shall dispose of the same in accordance with law expeditiously and the claim of parity with the co-accused stated to have been released on bail shall be taken into account. The case

records shall be made available to the Court concerned for disposal of the bail application.

The ABLAPL stands disposed of.

Issue urgent certified copy as per Rules.

A free copy of this order be handed over to Mr. M.S. Rizvi, learned Addl. Standing Counsel for the Vigilance Department.

(S.K. Sahoo)
Judge

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