

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6250 of 2022

Aswinee Sahoo

....

Petitioner

Mr.Abhishek Dash, Advocate

-versus-

***State of Odisha
(Vigilance)***

....

Opp. Party

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

CORAM:

JUSTICE S.K. SAHOO

ORDER

29.06.2022

Order No.

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

Heard Mr. Abhishek Dash, learned counsel for the petitioner and Mr. M.S. Rizvi, learned Additional Standing Counsel for the Vigilance Department.

This is an application under section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in connection with V.G.R. Case No.05 of 2022 arising out of Vigilance Cell, Cuttack P.S. Case No.26 of 2022 pending in the Court of learned Special Judge (Vigilance), Angul for alleged commission of offences under section 13(2) read with sections 13(1)(b)/12 of the Prevention of Corruption Act (as amended vide Prevention of Corruption (Amendment) Act, 2018).

Perused the F.I.R.

Learned counsel for the petitioner submitted that the petitioner is the wife of a Government servant, namely, Santosh Kumar Sahoo, who was the ex-Assistant Executive Engineer, RWS & S, Talcher Sub-Division in the district of Angul and the husband of the petitioner was taken into judicial custody and he has been directed to be released on bail by this Court in BLAPL No.3834 of 2022 as per order dated 09.05.2022 and there is no such material against the petitioner so as to attract the ingredients of the offences and since the petitioner is a lady, keeping in view the proviso to section 437(1) Cr.P.C., the anticipatory bail application of the petitioner may be favourably considered.

Learned Additional Standing Counsel for the Vigilance Department pointed out the cost of the plot of land which stand in the name of the petitioner as per the first information report so also the deposit in the SBI, Khuntuni Branch. He further submitted that no custodial interrogation is necessary but the petitioner must cooperate with the investigation and appear before the Investigating Officer as and when required.

Learned counsel for the petitioner submitted that the petitioner is ready and willing to cooperate with the investigation and shall appear before the Investigating Officer as and when required.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, release of the co-accused on bail and keeping in view the proviso to section 437(1) Cr.P.C.,

I am inclined to release the petitioner on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner in connection with the aforesaid case, she shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties each for the like amount to the satisfaction of the arresting officer with further conditions that she shall appear before the Investigating Officer on receipt of the written notice and she shall cooperate with the investigation and shall further appear before the Investigating Officer as and when required and she shall not try to tamper with the evidence in any manner. If the petitioner fails to appear on receipt of written notice or does not cooperate with the investigation, the prosecuting agency is at liberty to seek appropriate remedy for cancellation of the anticipatory bail order of the petitioner.

The ABLAPL is accordingly disposed of.

A free copy of this order be handed over to the learned Additional Standing Counsel for the Vigilance Department.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge