

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4965 of 2022

Sarada Maharana

.... ***Petitioner***
Mr.B. Sahoo, Advocate

-versus-

State of Odisha (Vigilance)

.... ***Opposite Party***
Mrs. Jyotsna Rani Tripathy,
ASC for Vigilance Deptt.

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
17.06.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Sambalpur Vigilance P.S. Case No.18 of 2022, corresponding to Vigilance G.R. Case No.12 of 2022, pending in the court of learned Special Judge (Vigilance), Sambalpur, for commission of alleged offence under Section 7 of Prevention of Corruption Act, 1988.
3. Heard learned counsel for the Petitioner and learned counsel for the Vigilance Department. Perused the FIR and Case Diary.
4. The case of the prosecution, in a nutshell, is that one Ashok Kumar Patel lodged a complaint before the Vigilance Police alleging therein that the Petitioner, who is a government

servant, was demanding Rs.2,40,000/- for reducing the royalty and penalty imposed on the Haiwa trucks of the Informant for illegally transporting minor minerals. On the basis of said complaint, trap was laid by the Vigilance Department and during the trap Rs.1,20,000/- was recovered from the possession of the Petitioner. Basing on the said report, Sambalpur Vigilance P.S. Case No.12 of 2022 was registered against the Petitioner under Section 7 of Prevention of Corruption Act, 1988.

5. Learned counsel for the Petitioner submits that the Petitioner is in custody since 08.05.2022. It is further submitted that Petitioner is innocent person and she has been falsely implicated in the present case and there is no material evidence on record to implicate the petitioner in the present case. Moreover, Petitioner is a permanent resident of her village and therefore, there is no chance to evade the trial of the case. It is further submitted that in the event Petitioner is released on bail, she shall abide by the terms and conditions as would be fixed by this Court. Accordingly, he urges for bail of the present Petitioner.

6. Learned counsel for the Vigilance Department vehemently opposes the bail application of the Petitioner on the ground that the Petitioner is involved in serious offence. Therefore, she urges before this Court not to show any leniency to the Petitioner and prays for rejection of the bail application of the Petitioner.

7. Having heard learned counsel for the parties and considering the custodial detention of the Petitioner and the peculiar facts and circumstances of the case and the fact that Petitioner has been suspended from the government service, this Court is inclined to release the Petitioner on bail subject to stringent conditions. Let the Petitioner be released on bail subject to furnishing bail bond of Rs.50,000/- (Rupees Fifty thousand) with one local surety each for the like amount to the satisfaction of the learned court in seisin over the matter with a further condition that she shall appear before the Investigating Officer once in a week for a period of two months.

8. Violation of any of the terms and conditions shall entail cancellation of bail.

9. With the aforesaid observation the BLAPL stands disposed of.

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

(A.K. Mohapatra)
Vacation Judge