

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5097 of 2022

Mukesh Sahu

....

Petitioner

Mr. Asok Mohanty, Sr. Advocate
along with Mr. A. Mishra, Advocate

- Versus -

State of Odisha (Vigilance)

.... Opposite Party

Mr. Srimanta Das,
Sr. Standing Counsel for Vigilance

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

05.07.2022

Order No.

2.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 13.05.2022 in connection with Vigilance Cell P.S. Case No.5 of 2022 corresponding to Vigilance G.R. Case No.13 of 2022 pending in the Court of learned Special Judge, Vigilance, Sambalpur for the alleged commission of offence under Sections 7/12 of P.C. Act.
4. It is alleged that the petitioner was caught red handed while attempting to take bribe of Rs.10 lakhs from the informant. It is submitted that the petitioner is neither a public servant nor in a position to grant any favour to the informant and therefore, the allegation of accepting bribe is entirely false. It is further submitted that in so far as the present petitioner is concerned, there is no proof of any prior demand having been made by him.
5. Mr. S. Das, learned Sr. Standing Counsel appearing for the Vigilance has opposed the prayer for bail by submitting that the

petitioner was acting at the instance of one Manasi Jena, Inspector of Police (Vigilance) and therefore, regardless of the fact that he is not a government servant, he becomes equally liable.

6. Considering the submissions as above, the material on record, the period of detention in custody and the fact that investigation in to the case appears to have progressed substantially, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial Court on each date of posting of the case without fail. Further he shall make himself available as and when required by the I.O.

7. BLAPL is accordingly disposed of.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

