

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6473 of 2022

1. Surendra Kumar Sahu

2. Anita Sahu

....

Petitioners

Mr.Devashis Panda, *Advocate*

-versus-

**State of Odisha
(Vigilance)**

....

Opp. Party

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

CORAM:

JUSTICE S.K. SAHOO

ORDER

06.07.2022

Order No.

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

Heard learned counsel for the petitioners and 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 petitioners in connection with V.G.R. Case No.10 of 2022 arising out of Rourkela Vigilance P.S. Case No.10 of 2022 pending in the Court of learned Special Judge (Vigilance), Sundargarh 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 petitioners submitted that the petitioner no.1, namely, Surendra Kumar Sahu is a public servant and at present he is working as BEO, Dhankauda Block in the district of Sambalpur and he was taken into judicial custody in connection with a trap case and he has been directed to be released on bail and thereafter this case has been instituted on the ground that the petitioners are having disproportionate assets beyond their legal sources of income.

Learned counsel for the petitioners further submitted that if opportunity of hearing is afforded to the petitioners, they will explain that the accusation leveled in the first information report is not correct. It is submitted that the petitioner no.2 is the wife of the petitioner no.1 and there is no such prima facie case against her so as to attract the ingredients of the offences and therefore, the anticipatory bail application of the petitioners may be favourably considered.

Learned Additional Standing Counsel for the Vigilance Department produced the written instruction dated 24.06.2022 received from the Inspector, Vigilance, Rourkela Division, Rourkela wherein it is mentioned that the custodial interrogation is not required in this case. However, the examination of the petitioners is very much necessary.

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

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

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