

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5510 of 2022

Malaya Kishore Nayak

.... **Petitioner**
Mr. S.K. Jena, Advocate

- Versus -

State of Odisha (Vig.)

.... **Opposite Party**
Ms. J. Tripathy, Addl. Standing Counsel
for Vigilance.

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

04.07.2022

Order No.

1.

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 01.06.2022 in connection with Cuttack Vigilance P.S. Case No.34 of 2022 corresponding to V.G.R. Case No.09 of 2022 pending in the Court of learned Special Judge (Vigilance), Dhenkanal for the alleged commission of offence under Section 7 of P.C. Act.
4. It is alleged that the petitioner was caught red handed while accepting bribe of Rs.30,000/- from the informant, Dukhabandhu Sahoo. In view of his earlier demand, a trap was laid by the vigilance officials, during which the tainted money was recovered from the possession of the petitioner along with the hand wash etc.
5. It is submitted that the petitioner has been falsely implicated in the case as the demand at the spot has not been proved. It is further submitted that the money was forcefully thrust into his hand only to book him in the case.

6. Learned Addl. Standing counsel for the vigilance has opposed the prayer for bail by submitting that the petitioner is a police officer and had demanded bribe from the complainant to allow smooth functioning of the sand quarry.

7. Considering the submissions, materials on record and the period of detention in custody, 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.

8. BLAPL is accordingly disposed of.

9. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

