

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8587 of 2022

Basanta Kumar Sagaria

....

Petitioner

Mr. Rajib Lochan Pattnaik, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.S. Rizvi, A.S.C.(Vigilance)

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

19.10.2022

Order No.

07. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 13(2)/13(1)(a) of Prevention of Corruption (Amendment) Act, read with Sections 409 & 120-B of the I.P.C.
4. Learned counsel for the Petitioner submits that investigation in the case is continuing and the Petitioner is cooperating with the investigation by appearing before the I.O. He further submits that the Petitioner undertakes to appear before the I.O. as and when required and he is ready and willing to cooperate in the investigation. Learned counsel for the Petitioner further submits that the Petitioner

has been falsely implicated in this case although he does not dispute that there is shortage in the PDS commodities.

5. However, Mr. Rizvi, learned Addl. Standing Counsel for the Vigilance Department vehemently opposes the release of the Petitioner on bail on the ground that the allegations made against the Petitioner are very serious in nature and further his release at this stage may affect the investigation, when the investigation is yet to be completed.

6. Considering the aforesaid submission and nature and gravity of the allegation, although I am not inclined to grant anticipatory bail to the Petitioner, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned Special Judge, Vigilance, Jeypore in G.R. Case No.17 of 2022 (V) corresponding to Koraput Vigilance P.S. Case No.20 of 2022 within a period of three weeks from today, he shall be released on bail on such terms and conditions as the learned Special Judge may deem just and proper in the facts and circumstances of the case, but subject to furnishing cash security of Rs.3,00,000/- (Rupees Three Lakhs) by the Petitioner to the satisfaction of the learned court in seisin over the matter. The aforesaid amount shall be kept in an interest bearing account of any nationalized bank, and that amount shall be subject to the outcome of the trial.

However, while imposing conditions for bail, learned Special Judge shall also impose the following additional conditions –

- (i) The Petitioner shall cooperate with the investigation and shall appear before the I.O. for the purpose of investigation, as and when required;

- (ii) He shall not indulge in any other offence of similar nature to the present case in any manner again, while on bail.
- (iii) He shall not tamper with the prosecution evidence and shall not threaten, terrorise or harass the prosecution witnesses in any manner whatsoever, while on bail.
- (iv) He shall appear before the trial court on each and every date fixed for trial, without fail.

Violation of any of the conditions shall entail cancellation of bail of the Petitioner.

- 7. The ABLAPL is disposed of accordingly.
- 8. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge

S.K.Parida