

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7265 of 2022

Rajat Kumar Routray

....

Petitioner

Mr. B.P. Pradhan, Advocate

-versus-

State of Odisha (Vig)

....

Opposite Party

Ms. B. Tripathy, Advocate(Vigilance)

CORAM: JUSTICE V. NARASINGH

ORDER

13.10.2022

Order No.

03.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the Vigilance Department.
3. The petitioner is an accused in connection with V.G.R. Case No.07 of 2020, pending in the Court of learned Special Judge (Vigilance), Cuttack arising out of Cuttack Vigilance Case No.08 of 2020, for alleged commission of offences under Sections 13(2) read with Section 13(1)(c)(d) of P.C. Act and under Section 409/477-A/120-B of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge (Vigilance), Cuttack by order dated 12.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the petitioner is remanded in this case on 24.06.2022 and since

investigation has progressed substantially and co-accused, more or less similarly circumstanced, who are ex-Tahasildar and two head clerks, have been released on bail by the learned Special Judge Vigilance, Cuttack by order dated 11.07.2022 in the case at hand, hence it is submitted that further continuance of the petitioner in custody is not warranted.

6. Learned counsel for the Vigilance Department opposes the prayer for bail and submits that from the conduct of the petitioner, it is manifestly clear that he has no respect for law and there is more than reasonable apprehension that he will not cooperate with the investigation. Hence, merely because other co-accused persons have been released on bail, the ground of parity cannot be pressed into service in the case at hand.

7. Taking into account the release of co-accused by the Court in seisin over the matter and substantial progress of the investigation and the petitioner being a local person, this Court is persuaded to hold that his further continuance in custody is not warranted. Admittedly during incarceration he has been taken on remand and accordingly it is directed that the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

8. To allay the legitimate apprehension of the learned counsel for the Vigilance Department that in the case of this nature, the offender has to be treated on a different scale, this Court directs that the petitioner shall appear before the Investigating officer once every week till conclusion of investigation. Date and time of such

appearance to be fixed by the Investigating Officer. Violation of any of the terms shall entail cancellation.

9. Accordingly, the BLAPL stands disposed of.

10. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Santoshi

