

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9537 of 2022

Pratima Roula @ Pratima Raul

Petitioner

....
Mr. Tirtha Kumar Sahu, Advocate

-versus-

State of Odisha(Vig.)

.... ***Opposite Party***

Mr. M.S.Rizvi, A.S.C.

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
20.09.2022**

Order No.

04. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner, learned Addl. Standing Counsel for the State. Perused the records.
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) read with 13(1)(a) of P.C.Act and Section 409, 120-B of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioner that the allegation made against the Petitioner is yet to be investigated properly by the Vigilance department. He further submits that wild allegations have been made against the Petitioner regarding misappropriation of Rs.18,49,951/-. However, while calculating such amount the department has not taken note of the travel which she has undertaken during the said period i.e. 2016 to 2022. Further, it is

submitted by the learned counsel for the Petitioner that since the official vehicle was not in a good condition, at times the Petitioner was using private vehicle. Further, it is submitted by the learned counsel for the Petitioner that the Petitioner has already retired from service and is a senior citizen. Further, it is also submitted by the learned counsel for the Petitioner that pursuant to the direction of this Court the Petitioner appeared before the I.O. and cooperated with the investigation, which is not disputed by the learned Standing Counsel for the Vigilance department.

5. Considering the seriousness of the allegation, gravity of the offence and the facts of the case, 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 Additional Sessions Judge-cum-Special Judge (Vigilance), Jeypore in G.R.Case No.19 of 2022 (V) corresponding to Jeypore Vigilance P.S.Case No.23 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. It is also directed that the release of the Petitioner shall be subject to depositing a sum of Rs.4,00,000/- (Rupees Four lakhs) in the court below in the name of the court in seisin over the matter in an interest bearing account and shall be subject to the final outcome of the case.

While imposing conditions for bail, learned Magistrate shall also impose the following additional conditions –

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

- (ii) He shall appear before the trial court on each and every date fixed;

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

5. The ABLAPL is disposed of accordingly.

6. A free copy of this order be handed over to Mr.Rizvi, learned Standing Counsel.

7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge

RKS

