

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10892 of 2022

Suwendu Kumar Jena

....

Petitioner

Mr. S.C. Mohapatra, Sr. Advocate

-versus-

State of Odisha (Vigilance)

....

Opposite Party

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

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

13.10.2022

Order No.

02. 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 Vigilance Department.
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 Section 13(1)(a) of Prevention of Corruption (Amendment) Act, 2018 and Section 409 of the I.P.C.
4. It is submitted by Mr. S.C. Mohapatra, learned Senior Counsel appearing for the Petitioner that the Petitioner has not been named in the F.I.R. Further, referring to the F.I.R. he submits that the allegation is against Banamali Kar, who is working a Junior Revenue Assistant in the office of the Tahsildar, Bissam Cuttack and has been deputed to Sub-Registrar Office, Bissam Cuttack. He further submits that the allegation of total misappropriation to the tune of Rs.1,32,19,017/- have taken place for the period of time, i.e.

from 2016-17 to 2021-22. He further submits that the present Petitioner was the Tahsildar during 2018-19 for one year only.

5. Learned Addl. Standing Counsel for the Vigilance Department on the other hand submits that during the tenure of the present Petitioner, huge amount have been misappropriated. However he does not dispute that the present Petitioner has not been named in the F.I.R. He further submits that there is no dispute that the Petitioner being the supervising authority has failed in discharging his duties properly, for which huge amount of government money has been misappropriated. Therefore learned A.S.C. (Vigilance) submits that the present Petitioner is also equally responsible for the lapses.

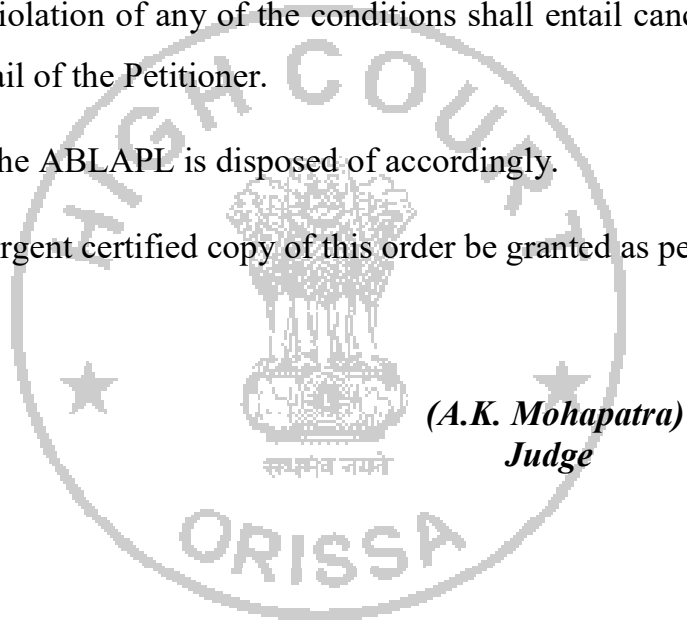
6. However, considering the submissions advanced, nature of allegation and the role of the present Petitioner in this case, although I am not inclined to grant anticipatory bail to the Petitioner, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned Addl. Sessions Judge-cum-Special Judge (Vigilance), Jeypore in G.R. Case No.9 of 2022 (V) corresponding to Jeypore Vigilance P.S. Case No.11 of 2022 within a period of three weeks from today, he shall be released on bail on such terms and conditions as the learned Addl. Sessions Judge-cum-Special Judge (Vigilance), Jeypore may deem just and proper in the facts and circumstances of the case.

However, while imposing conditions for bail, learned Addl. Sessions Judge-cum-Special Judge (Vigilance), Jeypore 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 not tamper with the prosecution evidence and shall not try to influence the prosecution witnesses in any manner whatsoever.
- (iii) He shall appear before the learned trial court on each 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.



RKS