

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11651 of 2022

Ashis Kumar Debta

Petitioner

....

Mr. H.S.Mishra, Advocate

-versus-

State of Odisha(Vig)

....

Opposite Party

*Mr. M.S.Rizvi, Standing Counsel
for Vigilance.*

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

20.09.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner, learned. 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 the P.C.Act read with Section 409 of the Indian Penal Code.
4. Mr.Rizvi, learned Standing Counsel for Vigilance department submits that he has received instruction from D.S.P. Vigilance vide his letter dated 16.09.2022 wherein it has been stated that a formal F.I.R. has been registered. Further it has been stated in the said letter that custodial interrogation of the Petitioner is not necessary.

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 Special Judge (Vigilance), Sambalpur in Sambalpur Vigilance P.S.Case No.45 of 2022 within a period of two 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. The Petitioner shall not be arrested for a period of two weeks from today.

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

- (i) The Petitioner shall appear before the I.O. and shall cooperate with the investigation pursuant to notice to be issued by the I.O. specifying the date on which the Petitioner is required to appear.
- (ii) The Petitioner 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.

6. The ABLAPL is disposed of accordingly.

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

(A.K. Mohapatra)
Judge