

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9030 of 2022

Abhinava Dalua

....

Petitioner

Mr. D.P. Nanda, Sr. Advocate

-versus-

State of Orissa (Vigilance)

....

Opposite Party

Mr. S. Das, Sr. Standing Counsel

CORAM: JUSTICE V. NARASINGH

ORDER
01.11.2022

Order No.

04.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Senior Standing Counsel for the Vigilance Department.
3. The petitioner is an accused in connection with Vigilance G.R. Case No.13 of 2022, pending in the Court of the learned A.D.J.-cum-Special Judge (Vigilance), Dhenkanal, arising out of Cuttack Vigilance Cell P.S. Case No.06 dtd. 29.08.2022, for alleged commission of offences under Section 7 of P.C(Amendment) Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned A.D.J.-cum-Special Judge (Vigilance), Dhenkanal, by order dated 14.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned senior counsel for the petitioner that the petitioner is in custody since 30.08.2022 and as charge-sheet has been filed on 28.10.2022 under Section 7 of

P.C(Amendment) Act,1988, further continuance of the petitioner in custody is uncalled for.

6. Learned Senior Standing Counsel for the Vigilance Department, Mr. S. Das, on instruction submits that though charge-sheet has been filed, investigation has been kept open under Section 173(8) of the Cr.P.C. and keeping in view that the petitioner is a police officer of the rank of DSP, his release at this stage will impede the further investigation.

7. Considering filing of charge-sheet and nature of allegations, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

8. To allay the legitimate apprehension of the learned Senior Standing Counsel for the Vigilance Department, it is directed that the petitioner shall not leave the State of Odisha without the express permission of the learned Court in seisin over the matter.

9. It is directed that the petitioner shall appear before the Investigating Officer as and when summoned. In the event violation of any of the conditions as stipulated, it shall be open to the Investigating Agency to seek variance of this order.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha