

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11752 of 2022

Pravakar Naik and another

Petitioners

....
Mr.S.R.Mohapatra, Advocate

-versus-

State of Odisha(Vig.)

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

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

**ORDER
21.09.2022**

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners, learned Standing Counsel for Vigilance department. Perused the records.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 13(2) read with 13(1)(c)(d) of P.C.Act and Section 409 of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioners that charge sheet has been submitted seven years after the occurrence.

5. Learned Standing Counsel for the Vigilance department submits that the charge sheet has already been submitted on 30.12.2015 against the Petitioners for commission of the aforesaid offences. Further drawing the attention of the Court, learned Standing Counsel for Vigilance department submits that in the charge sheet the status of the accused has been shown as “not arrested” in respect of both the Petitioners.

6. It appears that there is no apprehension of arrest. Therefore, it is directed that in the event the Petitioners surrender and move for bail before the learned Special Judge, Vigilance, Baripada in V.G.R.Case No.04 of 2016 arising out of Balasore Vigilance P.S.Case No.64 of 2015 within a period of three weeks from today, they shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper in the facts and circumstances of the case, but subject to the verification of injury and criminal antecedents of similar nature against the Petitioners.

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

- (i) The Petitioners shall not tamper with the prosecution evidence and threaten, influence or terrorise the prosecution witnesses in any manner whatsoever;
- (ii) They 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.

7. The ABLAPL is disposed of accordingly.

8. A free copy of this order be handed over to Mr. Rizvi, learned Standing Counsel for Vigilance department.
9. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

RKS

