

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12090 of 2022

Ajay Kumar Sahoo

Petitioner

....
Mr. Umesh Ch. Behura, Advocate

-versus-

State of Odisha (Vig.)

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

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

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

ORDER

18.10.2022

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 Vigilance department. 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)(C)(d) of Prevention of Corruption Act read with Section 409, 477-A, 120-B of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioner that on the basis of the allegation made by the Secretary, Board of Revenue by letter dated 31.03.2018 several cases of misappropriation of public money were registered. On a perusal of the said letter, it appears that there are five major allegations. It is also submitted by the learned counsel for the Petitioner that five separate P.S. cases have been registered in respect of the allegations made in the said letter. It is further submitted by the learned counsel for the Petitioner

that out of the five allegations and five F.I.Rs the Petitioner has been released on bail in two cases. Further, he submits that the Petitioner was working as Head Clerk at the relevant point of time and his duty was to pass the vouchers.

5. In reply to that, learned Standing Counsel for Vigilance department submits that the Petitioner has failed in duty by not verifying the Cash Book on day to day basis, as a result of which huge public money has been misappropriated.

6. However, taking into consideration the aforesaid facts, the Petitioner is directed to surrender and move for bail before the learned Special Judge (Vigilance), Cuttack in VGR Case No.29 of 2022 within a period of three weeks from today and in the event such an application is moved, learned Special Judge shall do well to consider the case and dispose of the same on the same day, by maintaining the principles of parity, if applicable. Further, it is directed that the Case Diary be made available on the date of surrender. Till the date of surrender, the Petitioner shall not be arrested.

5. The ABLAPL is disposed of accordingly.

6. A free copy of this order be granted to Mr.Rizvi, learned Standing Counsel for Vigilance department

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

(A.K. Mohapatra)
Judge