

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12235 of 2022

Godavari Pattanaik and others **Petitioners**
Mr. S.R. Mohapatra, Advocate
-versus-
State of Odisha(Vigilance) **Opp. Party**
Mr. M.S. Rizvi, A.S.C. for Vigilance
Department

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

26.09.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State. Perused the record.
3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.
4. The petitioners is seeking pre-arrest bail in connection with V.G.R. Case No.05 of 2021, arising out of Balasore Vigilance P.S. Case No.16 of 2021 pending in the court of learned Special Judge(Vigilance), Baripada for commission of offences punishable under Section 13(2) read with Section 13(1)(c)(d) of the Prevention of Corruption Act and 120-B/468/471/409, I.P.C.
5. It is submitted by learned counsel for the petitioners that on the allegation of dereliction duty and lack of supervision of the Government officials along with present petitioners, the rubber saplings in 19 Rubber Project Plantation could not be planted and as

a result of which huge loss has been caused to the Government exchequer. He further submits that some of the petitioners have already retired from service in the meantime. It is also submitted by learned counsel for the petitioners that there is no allegation of financial misappropriation against the petitioners.

6. Further, it is also submitted by the learned counsel for the petitioners that there is no chance of absconding or fleeing from justice and in the event of their release, he will appear before the trial court on each date of posting of the case and shall abide by the terms and conditions that may be imposed by this Court.

7. Learned counsel for the State Vigilance, on the other hand, submits that the allegations made against the petitioner are serious in nature and the allegation is that the State has sustained a loss to the tune of Rs.75,00,000/-. Therefore, several Government officers who had the responsibility have been named in the F.I.R. for such irrespective conduct. He further submits that the money have been diverted to one project to another project.

8. Having heard learned counsel for the respective parties and upon careful consideration of the allegations made in the F.I.R. and further taking into consideration of the fact that the petitioners surrender and move an application for bail before the learned court in seisin over the matter within a period of three weeks from today, they shall be released on bail on such terms and conditions as would be deemed just and proper subject to condition that they shall furnish cash security of Rs.1,00,000/- (rupees one lakh) and property security of Rs.1,00,000/-(rupees one lakhs) each besides other conditions would be imposed by the learned court below while releasing the petitioners on bail with further conditions that:-

- I. The petitioners shall cooperate with the Investigating Officer as and when required for the purpose of investigation;
- II. they shall not tamper with the prosecution evidence in any manner whatsoever; and
- III. they shall not default in attendance of the court during trial on each date of posting.

Violation of any of the terms and conditions shall entail cancellation of bail.

9. It is further directed that the bail granted to the petitioners is subject to depositing the cash of Rs.1,00,000/-(rupees one lakh) each before the learned court below, which shall be deposited in any Nationalized Bank in interest earning deposit initially for a period of one year renewable from time to time till conclusion of the trial and the same shall be abide by the final outcome of the trial of the case.

10. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

A free copy of this order be handed over to the learned counsel for the State Vigilance for communication and compliance.

(A.K. Mohapatra)
Judge