

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12331 of 2022

Natabar Pati

Petitioner

....
Mr. Rama Chandra Ray, Advocate

-versus-

State of Odisha

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

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

**ORDER
29.09.2022**

Order No.

02. 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. 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 Section 13(2) read with Section 13(1)(d) of P.C.Act 1988 and Section 409, 477-A and 120-B of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner was working in the Office concerned from 24.06.2009 to 31.07.2009 admittedly for a period of one month. Further, learned

counsel for the Petitioner submits that the Petitioner has retired since 2014 and leading a retiral life.

5. Learned Standing Counsel for Vigilance department submits that there is allegation of misappropriation of Rs.2,75,845/-.

6. 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), Cuttack in V.G.R.No.29 of 2022 arising out of Cuttack Vigilance P.S.Case No.44 of 2022 within a period of three 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.

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

- (i) The Petitioner shall cooperate with the investigation and appear before the I.O. as and when required by the I.O.;
- (ii) He shall not tamper with the prosecution evidence in any manner while on bail;
- (iii) He shall appear before the trial court on each and every date fixed;
- (iv) He shall cooperate with the Investigating Agency and produce the documents in his possession.

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

(A.K. Mohapatra)
Judge

RKS

