

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9818 of 2022

Binod Kumar Naik

....

Petitioner

Mr. H.S. Mishra, Advocate

-versus-

State of Odisha (Vig.)

....

Opposite Party

Mrs. B.Tripathy, Standing Counsel
(Vigilance)

CORAM: JUSTICE V. NARASINGH

ORDER
26.10.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned Standing Counsel for the Vigilance.
3. The Petitioner is an accused in V.G.R. Case No.15 of 2022 pending in the file of learned Special Judge (Vigilance), Bolangir, arising out of Sambalpur Vigilance P.S Case No.31 of 2022 for offence under Section 7 of the Prevention of Corruption (Amendment) Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Vigilance, Balangir by order dated 30.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.

6. Learned counsel for the Petitioner submits that the Petitioner is in custody since 27.09.2022 and since investigation has progressed substantially, further continuance of the Petitioner in custody is unwarranted.

7. Learned counsel for the Vigilance submits that the investigation is at a nascent stage and the Petitioner being a Government servant, his release at this stage, before submission of final form, will affect the ongoing investigation.

8. Taking into account the period of custody and the progress of investigation, this Court directs the Petitioner to be released on bail on such terms to be fixed by the learned court in seisin over the matter.

9. To allay the legitimate concern expressed by the learned counsel for the Vigilance Department, Mrs. Tripathy, this Court directs that the Petitioner shall appear before the I.O as and when summoned. In the event Petitioner does not extend the desired cooperation, it shall be open to the Vigilance Department to seek variance of the order.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS