

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13324 of 2022

***Prangya Paramita Sahoo &
another***

.... Petitioners

Mr. Manas Kumar Chand, Advocate

-versus-

State of Odisha (Vigilance)

.... Opposite Party

Mr. M.S. Rizvi, A.S.C.(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 Petitioners and learned Addl. Standing Counsel for the Vigilance Department.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Section 13(2) read with Section 13(1)(a) of Prevention of Corruption (Amendment) Act, 2018 and Sections 409/420/468/120-B, I.P.C.
4. Mr. Chand, learned counsel for the Petitioner submits that both the Petitioners are ladies and they were working in an organization named “Asstha Rehab Care Society”. He further submits that F.I.R. was lodged making allegation that out of the total sanctioned fund of Rs.98 lakhs, a sum of Rs.21 lakhs & odd have

been misappropriated by the said society. Accordingly, the present two Petitioners have been implicated as co-accused in this case.

5. Mr. Rizvi, learned Addl. Standing Counsel for the Vigilance Department on the other hand submits that, upon a vigilance enquiry it was found that on different heads a total sum of Rs.21,43,647/- have been misappropriated out of the total sanctioned government aid of Rs.98,10,000/-. He further submits that investigation is still continuing and custodial interrogation of the present Petitioners is highly necessary in the present case. Accordingly, he prays for rejection of bail of the Petitioners.

6. Having heard learned counsels for the parties and after a careful consideration of the materials placed before this Court, I am of the considered view that the entire case is based on documentary evidence. Further, the alleged misappropriated amount of Rs.21,43,647/- have been shown on the basis of the documentary evidence collected so far by the Vigilance Department. Further, considering the fact that the Petitioners are ladies and they were engaged in the “Asstha Rehab Care Society”, their presence before the I.O. for the purpose of investigation can be very well ensured by this Court.

7. Considering the aforesaid facts of the case, although I am not inclined to grant anticipatory bail to the Petitioners, however it is observed that, in the event the Petitioners surrender and move for bail before the learned Addl. Sessions Judge-cum-Special Judge, Vigilance, Cuttack in V.G.R. Case No.30 of 2022 corresponding to Cuttack Vigilance P.S. Case No.46 of 2022 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.

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

- (i) The Petitioners shall cooperate with the investigation and shall appear before the I.O. for the purpose of investigation, as and when required;
- (ii) They shall not try to tamper with the prosecution evidence and shall not threaten, terrorise or influence the prosecution witnesses in any manner whatsoever, while on bail;
- (iii) They shall appear before the trial court on each and every date fixed for trial, without fail;
- (iv) They shall not indulge in any other offence of similar nature to the present case in any manner whatsoever, while on bail.
- (v) The Petitioners shall appear before the I.O. on the notice given by the I.O. and shall cooperate with the investigation and shall produce the relevant records / documents before the I.O. which are in their possession.
- (vi) They shall not leave the jurisdiction of the court in seisin over the matter without specific permission from the said court.

Violation of any of the conditions shall entail cancellation of bail of the Petitioners.

8. The ABLAPL is disposed of accordingly.

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

10. A free copy of this order be granted to the learned A.S.C. (Vigilance) for necessary compliance.

(A.K. Mohapatra)
Judge

S.K.Parida

