

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10206 of 2022

Srimanta Kumar Sethi

....

Petitioner

Mr. K.C. Satapathy, Advocate

-versus-

State of Orissa (Vigilance)

....

Opposite Party

Ms. J.R. Tripathy, ASC(Vig.)

CORAM: JUSTICE V. NARASINGH

ORDER

04.11.2022

Order No.

04.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Counsel for the Vigilance Department.
3. The petitioner is an accused in connection with Vigilance G.R. Case No.12 of 2022, pending in the Court of the learned Special Judge (Vigilance), Balasore, arising out of Balasore Vigilance P.S. Case No.26 of 2022, for alleged commission of offences under Section 7/13(2) read with 13(1)(b)/12 of P.C(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), Balasore, by order dated 15.10.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the petitioner is in custody since 29.09.2022 and in the meanwhile

investigation has progressed substantially and the allegation is more or less based on documentary evidence, further continuance of the petitioner in custody is unwarranted.

6. Per contra, learned counsel for the Vigilance Department, Ms. Tripathy, submits that the cash of Rs.5,00,000/-(Rupees five lakhs) was recovered during the raid towards illegal gratification and the petitioner is the Superintendent Engineer, releasing him at this stage would affect the impending investigation.

7. Considering that the petitioner is in custody since 29.09.2022 and the progress in the investigation, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

8. To allay the legitimate apprehension of the learned Counsel for the Vigilance Department, it is directed that the petitioner shall appear before the Investigating Officer on such date and time as specified by the learned Court in seisin over the matter and he shall co-operate with the investigation and shall not leave the jurisdiction of the Court in seisin till submission of final form.

9. It shall be open to the Investigating Agency to seek variance of this order, in the event the petitioner does not co-operate.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha