

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10249 of 2022

Manoj Kumar Lenka

....

Petitioner

Mr. P. Nayak, Advocate

-versus-

State of Orissa (Vigilance)

....

Opposite Party

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

CORAM: JUSTICE V. NARASINGH

ORDER
09.11.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard Mr. P. Nayak, learned counsel for the petitioner and Ms. J.R. Tripathy, learned Counsel for the Vigilance Department.
3. The petitioner is an accused in connection with V.G.R. Case No.35 of 2022, pending in the Court of the learned Special Judge (Vigilance), Bhubaneswar, arising out of Bhubaneswar Vigilance P.S. Case No.31 of 2022, for alleged commission of offences under Section 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, Bhubaneswar, by order dated 13.10.2022 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 30.09.2022, hence his further continuance of the petitioner in custody is unwarranted keeping in view that investigation has substantially progressed.

6. It is also submitted by the learned counsel for the petitioner that with an ulterior motive, the income of the family members of the petitioner, who are well placed have been shown against his name for which the disproportionate assets has been unduly inflated.

7. Learned counsel for the State submits that the investigation is at a crucial stage and further documents which are essential for effective investigation are yet to be unearthed. Hence, releasing the petitioner at this stage will impede the further investigation.

8. Taking into account that the petitioner is in custody since 30.09.2022 and that he is a Government servant and keeping in view the stage of 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.

9. 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 without its express permission till submission of final form.

10. If the desired cooperation is not extended by the petitioner, it shall open for the Investigating Agency to seek variance of this order.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge