

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10426 of 2022

Rajat Kumar Routray

....

Petitioner

Mr. B.P. Pradhan, Advocate

-versus-

State of Orissa (Vigilance)

....

Opposite Party

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

CORAM: JUSTICE V. NARASINGH

ORDER

01.12.2022

Order No.

03.

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 V.G.R. No.28 of 2022, pending in the Court of the learned Special Judge (Vigilance), Cuttack, arising out of Cuttack Vigilance Case No.43 of 2022, for alleged commission of offences under Section 13(2) read with Section 13(1)(c)(d) of P.C(Amendment) Act and under Sections 409/477-A/120-B of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge (Vigilance), Cuttack, by order dated 17.10.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel that the petitioner is in custody since 09.06.2022. He has been remanded in the case on

26.08.2022 and at the relevant time, he was in charge of Nizarat of Jajpur Tahasil Office.

6. Learned counsel places on record the order passed by this Court dated 13.09.2022 in ABLAPL No.10991 of 2022 in the case of Smt. Mamata Barik (Tahasildar) and order dated 24.09.2022 of one Ajay Kumar Sahoo, who was the Head Clerk in ABLAPL No.12089 of 2022. Hence, it is submitted that as persons with equal complicity have been released on anticipatory bail, further continuance of the petitioner in custody is unwarranted.

7. Learned counsel for the Vigilance Department on instruction submits that the investigation is progressing and since there has been no recovery so far releasing the petitioner at this stage will affect the ongoing investigation. And, adverting to the release of the co-accused particularly Smt. Mamata Barik, it is submitted that since the petitioner is a lady, in view of the provisions contained in Cr.P.C., she cannot be treated at par with the present petitioner.

8. Considering the progress in investigation and release of the co-accused on anticipatory bail as noted, 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 concern expressed by the learned Counsel for the Vigilance Department, it is directed that the petitioner shall appear before the Investigating Officer once every week on such date and time to be fixed by the learned Court in seisin over the matter till submission of final form.

10. The petitioner shall co-operate with the investigation and shall not leave the jurisdiction of the Court in seisin till conclusion of investigation.

11. It shall be open to the Investigating Agency to seek variance of this order, in the event the petitioner does not extend the desired co-operation.

12. Accordingly, the BLAPL stands disposed of.

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

Ayesha

