

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10457 of 2022

Bishnu Charan Sahu

....

Petitioner

Mr. G. Misra, Sr. Advocate

-versus-

State of Orissa (Vigilance)

....

Opposite Party

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

CORAM: JUSTICE V. NARASINGH

ORDER

01.12.2022

Order No.

02.

1. Heard Mr. G. Misra, learned senior counsel instructed by Mr. A.K. Dash, learned counsel for the petitioner and Mrs. J.R. Tripathy, learned Counsel for the Vigilance Department.

2. The petitioner is an accused in connection with Berhampur G.R. Case No.17 of 2022, pending in the Court of the learned Special Judge (Vigilance), Berhampur, arising out of Berhampur Vigilance Case No.21 of 2022, for alleged commission of offences under Section 13(1)(b) read with Section 13(2) of P.C(Amendment) Act.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge (Vigilance), Berhampur, by order dated 20.10.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted by the learned senior counsel that the petitioner has been taken into custody on 01.10.2022 for alleged

commission of offences under Section 13(1)(b) read with Section 13(2) of P.C(Amendment) Act.

5. It is submitted on instruction that in the meanwhile investigation has progressed substantially, hence further continuance of the petitioner in custody is unwarranted.

6. It is also the further submission of the learned senior counsel that the immovable assets particularly one triple storied building has been unusually inflated so as to enhance the percentage of disproportionate assets.

7. Learned counsel for the Vigilance Department refutes such submission and says that on a sound technical assessment, the amounts have been quantified and at this stage the same cannot be gone into and it is the further submission of the learned counsel for the Vigilance Department that keeping in view the stature of the petitioner, his release during the currency of investigation, will affect the ongoing investigation. Hence, seeks dismissal of the bail application.

8. Considering the period of custody, progress in investigation and that the investigation is more or less based on documentary evidence, 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. Additionally, 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 and shall not leave the jurisdiction of the Court in seisin without express permission till submission of final form.

10. It is needless to say that the petitioner shall co-operate with the investigation. In the event the petitioner does not extend the desired co-operation, it shall be open to 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

Ayesha

