

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10917 of 2022

Dhiraj Lenka

....

Petitioner

Mr. D. Nayak , Sr.Advocate

-versus-

State of Odisha

....

Opposite Party

Ms. J.R. Tripathy, Adv (Vigilance)

CORAM: JUSTICE V. NARASINGH

ORDER

19.12.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the Vigilance.

2. Appearance memo of Mr. D. Nayak, learned senior counsel for the petitioner is taken on record.

3. The petitioner is an accused in connection with G.R. Case No.05 of 2022 (V), pending in the Court of the learned Special Judge, Vigilance of Phulbani, arising out of Berhampur Vigilance P.S. Case No.22 of 2022, for commission of alleged offences under Sections 13(2) read with Section 13(1)(b) of the Prevention of Corruption Act.

4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge (Vigilance) of Phulbani, Kandamal, by order dated 01.11.2022 in the aforementioned case, the present BLAPL has been filed.

5. It is submitted that the petitioner is in custody since 24.10.2022 inter alia on the ground of having cash on him to the tune of Rs.1,45,800/- which he could not account for.

6. It is submitted by the learned senior counsel for the petitioner that in the meanwhile more than 1½ months has elapsed and as investigation has progressed substantially and the same is more or less based on documentary evidence, further continuance of the petitioner in custody is not warranted. It is further stated that petitioner's wife is also serving as a police officer and while recovering the same from the petitioner this aspect has not been taken into account.

7. Learned counsel for the Vigilance opposes the prayer for bail basing on the instructions that documents from different sources are yet to be obtained and hence release of the petitioner keeping in view that he is a police officer and his wife is also working would be an impediment in the ongoing investigation.

8. Considering the period of custody and progress in investigation and nature of evidence, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

9. Additionally, it is directed that the petitioner shall cooperate with the investigation and shall appear as and when summoned and shall not leave the jurisdiction of the Court in seisin without its express permission.

10. It shall be open to the Investigation Agency to seek variance of this order, if the petitioner does not extend the desired cooperation.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge