

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14320 of 2022

***Ardhendu Sekhar Sing @
Ardhendu Shekhar Singh***

....

Petitioner

Mr. S.K. Dwivedi, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. M.S. Rizvi, ASC for Vigilance Department

**CORAM:
JUSTICE CHITTARANJAN DASH**

**ORDER
16.11.2022**

Order No.

01.

1. Heard learned counsel for the Petitioner and learned ASC for the Vigilance Department.

2. This is an application for bail U/s.438 Cr.P.C. filed by the Petitioner in anticipation of arrest for his alleged involvement in the offences U/s.13(2) and 13(1)(a) of the Prevention of Corruption (Amendment) Act.... read with Section 409 IPC in connection with Balasore Vigilance P.S. Case No.33 of 2021 corresponding to V.G.R. Case No.12 of 2021 pending on the files of learned Special Judge (Vigilance), Balasore.

3. It is alleged that the Petitioner while working as PEO of Gududa Grama Panchayat and was in charge of Patripal Grama Panchayat under Remuna Block, indulged in financial irregularity to the State Pension Scheme and National Pension Scheme and did not give

account for the sum of Rs.2, 30,000/- for the financial year 2020-21 as could be revealed upon initiation of vigilance case. Apprehending his arrest he moves in the present.

4. It is submitted by the learned counsel for the Petitioner that the amount in question to the tune of Rs.2,30,000/- has been deposited by the Petitioner prior to the lodging of the F.I.R. and there was no intention on the part of the Petitioner to misappropriate the money. The retention of money after disbursement of pension was due to wrong calculation as the account could not be reconciled and the money remained with the Petitioner for the refund.

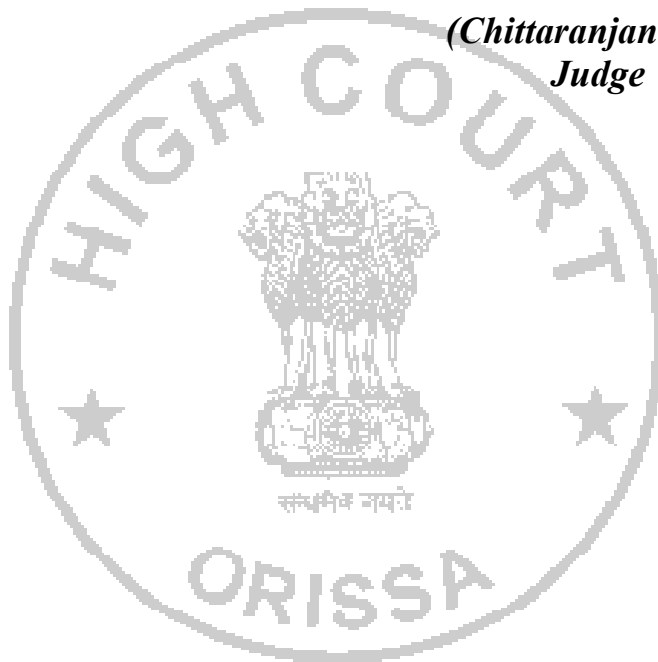
5. Learned counsel for the State, on the other hand, opposed the bail application of the Petitioner and urged that the huge amount of Rs.2,30,000/- which the Petitioner deliberately kept with him was only with an intention to misappropriate the same. However, being conscious of the fact that a vigilance enquiry has been initiated the money was deposited and further fact that the Petitioner has deposited the sum of Rs.2,30,000/- prior to the lodging of the F.I.R.

6. Keeping in view the submission of the parties and having gone through the nature of allegations as emerged from the material on record and further the circumstances appearing, the seriousness and gravity of the offences, it is directed that in the event the Petitioner surrenders in connection with Balasore Vigilance P.S. Case No.33 of 2021 corresponding to V.G.R. Case No.12 of 2021 pending in the court of learned Special Judge (Vigilance), Balasore within a period of two weeks' hence and moves for bail, he shall be released

on such terms and conditions as would be deemed just and proper by the said court with further conditions that he shall appear in person before the court below on each date of posting of the case unless specifically exempted by the court concerned with the further conditions that he shall cooperate with the investigation, procure the documents as and when directed by the IO.

7. The ABLAPL is disposed of.

(Chittaranjan Dash)
Judge



KC Bisoi