

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14328 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)/13(1)(a) of the P.C. (Amendment) Act read with Section 409 IPC in connection with Balasore Vigilance P.S. Case No.32 of 2021 corresponding to V.G.R. Case No.11 of 2021 pending in the file of learned Special Judge (Vigilance), Balasore.

3. It is alleged that the Petitioner while working as PEO of Gududa Grama Panchayat under Remuna Block, indulging financial irregularity to the State Pension Scheme and National Pension Scheme and did not give account of sum of Rs.9,45,300/- for the

financial year 2019-20 as would 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.9,45,300/- has been deposited by the Petitioner prior to the alleging of the F.I.R. and there was no intention to misappropriate the money save and except that due to wrong calculation it could not be reconciled and the money remained in the account of 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.9,45,300/- 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 Petitioner deposited the entire money retained with him i.e. Rs.9,45,300/- .

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.32 of 2021 corresponding to V.G.R. Case No.11 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 and shall not make any attempt to tamper the evidence or influence the witnesses.

7. The ABLAPL is disposed of.

(Chittaranjan Dash)
Judge

KC Bisoi

