

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16194 of 2021

Bidyut Prava Swain* *Petitioner

Mr. S.K.Joshi, Advocate

-versus-

***State of Odisha* *Opp. Party*
(Vigilance)**

*Mr. M.S. Rizvi,
Addl. Standing Counsel*

CORAM:

JUSTICE S.K. SAHOO

ORDER

19.01.2022

Order No.

01.

This matter is taken up by video conferencing mode.

Heard Mr. S.K. Joshi, learned counsel appearing for the petitioner and Mr. M.S. Rizvi, learned Additional Standing Counsel for the Vigilance Department.

This is an application under section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Bhubaneswar Vigilance P.S. Case No.18 of 2021 corresponding to V.G.R. Case No. 18 of 2021 pending in the Court of learned Special Judge, Vigilance, Bhubaneswar for alleged commission of offences under sections 13(2) read with section 13(1)(b)/12 of the P.C. Act.

Learned counsel for the petitioner submitted that the husband of the petitioner, namely, Sri Krushna Chandra Jena who was a Statistical Assistant in the office of ICDS

Project, Puri Municipality was taken into judicial custody in connection with this case and he has already been released on bail by the learned Special Judge, Vigilance, Bhubaneswar as per the order dated 23.08.2021. Copy of the bail order has been annexed as Annexure-2. He further submitted that the petitioner is working as Headmistress, Project Upper Primary School, Dolagovindpur, Puri and the ingredients of offences are not attracted and the petitioner is ready and willing to cooperate with the investigation and therefore, the anticipatory bail application of the petitioner may be favourably considered.

Learned Additional Standing Counsel for the Vigilance Department pointed out from the first information report as to what are the immovable as well as movable assets standing in the name of the petitioner. He further submitted that he has received instruction that the custodial interrogation of the petitioner is not necessary but her interrogation is necessary.

Considering the submission made by the learned counsel for the respective parties, the nature of accusation against the petitioner, release of the co-accused on bail and the fact that the petitioner is a Government servant and she is a lady and headmistress of a Upper Primary School and keeping in view the proviso to section 437(1) of Cr.P.C., I am inclined to release the petitioner on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner in connection with the aforesaid case, she shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand)

with two sureties each for the like amount to the satisfaction of the arresting officer with further conditions that she shall appear before the Investigating Officer as and when required but to that effect, written intimation has to be served on the petitioner and she shall not try to tamper with the evidence. If the petitioner fails to appear on the date fixed or does not cooperate with the investigation, the prosecuting agency is at liberty to seek appropriate remedy for cancellation of the anticipatory bail order of the petitioner.

The ABLAPL is accordingly disposed of.

Parties may utilize the soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner prescribed vide Office Order dated 7th January 2022.

(S.K. Sahoo)
Judge

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