

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16694 of 2021

***Susanta Kumar
Samantaray***

....

Petitioner

Mr. M.K. Mohapatro, *Advocate*

-versus-

***State of Odisha
(Vigilance)***

....

Opp. Party

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

CORAM:

JUSTICE S.K. SAHOO

ORDER

24.01.2022

Order No.

01.

This matter is taken up by video conferencing mode.

Heard learned counsel for the petitioner and learned Additional Standing Counsel for the Vigilance Department.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with G.R.(Vigilance) Case No.21 of 2021 arising out of Koraput Vigilance P.S. Case No.27 of 2021 pending in the Court of learned Special Judge (Vigilance), Bhawanipatna for alleged commission of offences under section 13(2) read with sections 13(1)(c) of the Prevention of Corruption (Amendment) Act and sections 409/468/471/477-A/120-B of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the petitioner submitted that

the petitioner is the Deputy Conservator of Forest, Office of the PCCF and HoFF, Odisha, Bhubaneswar and the plantation was of the year 2015-16 and 2016-17 and this F.I.R. has been instituted about five to six years as the required numbers of plants were not found at the spot. Learned counsel further submitted that the petitioner is ready and willing to cooperate with the investigation and since the prosecution case rest only the survival rate of plantation which depends upon many factors, the anticipatory bail application of the petitioner may be favourably considered.

Learned Additional Standing Counsel for the Vigilance Department placed the relevant part of the first information report and further submitted that the petitioner's interrogation is very much essential.

Learned counsel for the petitioner submitted that the petitioner is ready and willing to cooperate with the investigation and shall appear before the Investigating Officer as and when required.

Considering the submissions made by the respective parties, the nature of accusation against the petitioner, the period of occurrence and the belated lodging of the first information report, 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, he 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 he shall appear before the Investigating Officer on receipt of the written notice and he shall cooperate with the investigation and shall further appear before the Investigating Officer as and when required and he shall not try to tamper with the evidence in any manner. If the petitioner fails to appear on receipt of written notice 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.

RKM

