



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.6318 of 2025

(In the matter of application under Section 483 of the BNSS).

Dhiman Chakma ... ***Petitioner***

-versus-

State of Odisha (Vig) ... ***Opposite Party***

For Petitioners : ***Mr. D. Panda. Advocate***

For Opposite Party : ***Mr. S.K. Das, SC (Vig.)***

CORAM:

JUSTICE G. SATAPATHY

DATE OF HEARING & DATE OF JUDGMENT:24.07.2025 (ORAL)

G. Satapathy, J.

1. This is an application U/S.483 of BNSS by the petitioner for grant of bail in connection with Cuttack Vigilance Cell PS Case No.06 of 2025 arising out of GR (V) Case No.08 of 2025, pending in the Court of learned Special Judge (Vig), Bhawanipatna, for commission of offences punishable U/S.7 of the Prevention of Corruption Act, 1988 on the allegation of demanding and accepting undue advantage in the form of bribe of Rs.10,00,000/- (Rupees Ten Lakhs) from the informant.



2. In the course of hearing Mr. Devashis Panda, learned counsel for the petitioner submits with humility that the offence as alleged against the petitioner is not punishable beyond seven years and the investigating agency has already investigated the offence substantially and there is only mere formality of submission of charge-sheet in this case. It is further, argued by Mr. Panda that the petitioner is custody since 09.06.2025, but the allegation which are leveled against the petitioner are subject to trial, however, the petitioner has got a right to be presumed innocent until proven guilty at the trial. It is also submitted by him that the investigating agency has not sought for any custodial interrogation of the petitioner and, therefore, there is hardly any requirement of any further custody of the petitioner. On the aforesaid submissions, Mr. Panda prays to grant bail to the petitioner.

2.1. On the other hand Mr. Sanjay Kumar Das, learned Addl. PP vigilance opposes the bail application of the petitioner vehemently by contending inter alia that there are sufficient materials to proceed against the



accused-petitioner for demanding and accepting the bribe, but the petitioner being a high official has potential to influence the witnesses and it would not be desirable to grant of bail to the petitioner, otherwise a wrong message would percolate to the sub-ordinate staff, that anybody can be let up with the impunity after committing crime. Mr. Das, however, acknowledging the progress of investigation by way of recording statement of the witnesses U/S.183 of BNSS and collecting the voice sample of the petitioner very fairly informs the Court that the investigating agency at the final stage of investigation and it is in the process of obtaining sanction to prosecute the petitioner, who is a public servant. In concluding his argument, Mr. Das prays to reject the bail application of the petitioner.

3. After having considered the rival submissions upon perusal of record, there appears allegation against the petitioner for accepting undue advantage in the form of bribe, but the investigating agency is yet to submit charge-sheet in this case, however, the accused is presumed to be innocent until proven guilty at the trial,



which right gives rise to the well-recognized principle “bail is the rule, but jail is the exception” and all the allegations leveled against the petitioner are subject to trial. It is also not in dispute that granting bail to an accused should not be confused with letting him acquitted of the charge inasmuch as granting bail would only secure the liberty of the accused person for a temporary period until such accused person is found guilty of the offence, however, without trial a person cannot be held guilty of the offence and the principle under which bail is granted to an accused depends on the probability of securing his attendance at the trial by taking surety. In other words, if there is no apprehension of petitioner avoiding the process of law, he can be admitted to bail by taking surety.

4. In this case, there is substantial progress in investigation, so also the State Vigilance Department has not sought for any custodial interrogation of the petitioner. However, the argument put forth by the State Vigilance counsel to refuse bail to the petitioner for recovery of unaccounted cash of around Rupees forty



seven lakhs and some foreign currencies from the house of the petitioner, it appears that on being asked, the learned counsel for the State Vigilance clearly acknowledges to have not registered any case against the petitioner till date for recovery of such cash and foreign currencies and, therefore, such submission may not be relevant at this stage. It is, however, up to the State Vigilance Department/ any other authority to proceed in that respect in accordance with law.

5. Be that as it may, the petitioner is a public servant and one of the factor which is relevant for the purpose of bail is the securing his attendance at the trial and such factor can be looked at by taking into consideration the status of the petitioner and his roots in the society which also includes his service in Government Department. No material has been brought on record to evidence that the petitioner poses flight risk and even, if such apprehension can also be curbed by imposing appropriate condition to direct the petitioner to surrender his pass-port, if any or not to leave the territorial jurisdiction of the



country. True it is that bail cannot be refused, even if there appears prima facie case against the petitioner provided the accused-petitioner makes out a case for grant of bail. Further, it is held by the Apex Court in paragraph-51 of ***Satender Kumar Antil Vrs. Central Bureau of Investigation; (2022) 10 SCC 51*** that if the Court is satisfied, after taking into account, on the basis of information placed before it, that the accused has his roots in the community and is not likely to abscond, it can safely release the accused on his personal bond. It is also well settled principle that while granting or refusing of bail to a person accused of an offence, one of the factors that is to be looked into is the nature of the accusations and the severity of punishment in case of conviction and it is not the rule that bail should be denied in a case of economic offences. It is also not in dispute that the statement of the complainant and accompanying witnesses have already been recorded U/S.183 of BNSS, so also the voice sample of the petitioner has been collected and sent to forensic



laboratory and, therefore, there appears not only substantial progress in investigation, but also appears only formality of submission of charge-sheet in this case and, therefore, this Court does not see any justification for further detention of the petitioner in custody for the purpose of investigation. Further, the petitioner is in jail custody since 09.06.2025, but there is hardly any immediate prospect of trial. No material has been brought to the notice of the Court to suggest that the petitioner would either influence the witnesses or tamper with the investigation.

6. In view of the above facts and after having considered the rival submissions and on going through the materials placed on record and the offence being not punishable beyond seven years and taking into account the law laid down by the Apex Court in ***Satender Kumar Antil(supra)***, this Court without expressing any view on merit admits the petitioner to bail.

7. Hence, the bail application of the petitioner stands allowed and the petitioner is allowed to go on



bail on furnishing bail bonds of Rs.5,00,000/- (Rupees Five Lakhs) only with one solvent surety each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper by it with following stringent conditions:-

(i) the petitioner shall not commit any offence while on bail and the petitioner shall co-operate with the investigation by appearing before the IO as and when required,

*(ii) the petitioner in the course of trial shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with. **In case the Petitioner fails without sufficient cause to appear in the Court in accordance with the terms of the bail, the learned trial Court may proceed against the Petitioner for offence U/S.269 of BNS, 2023 in accordance with law,***

(iii) the petitioner shall not leave the country without prior permission of the learned trial Court till disposal of the case,

(iv) the Petitioner shall inform the Court as well as the Investigating Agency as to his place of residence during the trial by providing his mobile number(s), residential address, e-mail, if any, and other



documents in support of proof of his residence. The Petitioner shall not change his address of residence without intimating to the Court and Investigating Agency,

(v) In case the Petitioner misuses the liberty of bail and in order to secure his presence, proclamation U/S.84 of BNSS, 2023 is issued and the Petitioner fails to appear before the Court on the date fixed in such proclamation, then, the learned trial Court is at liberty to initiate proceeding against him for offence U/S.209 of BNS, 2023 in accordance with law.

(vi) The petitioner shall surrender his passport, if any (if not already surrendered), and in case, he is not a holder of the same, he shall swear an affidavit to that effect. If he has already surrendered his pass-port before the learned Special Judge, CBI, that fact should also be supported by an affidavit.

(vii) This Court reserves liberty to the Vigilance Department to make an appropriate application for modification/recalling the order passed by this Court, if for any reason, the petitioner violates any of the conditions imposed by this Court.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioner without further reference to this Court, if



any of the above conditions are violated or a case for cancellation of bail is otherwise made out. In the wake of aforesaid, the subsequent involvement of the petitioner in future for similar/grave offences on prima facie accusations may be treated as a ground for cancellation of bail in this case.

8. Accordingly, the BLAPL stands disposed of.

9. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

*Orissa High Court, Cuttack,
Dated the 24th day of July, 2025/Jayakrushna*