

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.123 of 2022

Krushna Banra

.... ***Petitioner***
Mr. B.Pr. Dhal, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

25.07.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioner for anticipatory bail.
4. The petitioner is seeking pre-arrest bail in connection with G.R. Case No.645 of 2021, arising out of Barbil P.S. Case No.201 of 2021 pending in the court of learned J.M.F.C., Barbil for commission of offence punishable under Sections 379/411/420/468/471/120-B/34, I.P.C.
5. It is submitted learned counsel for the petitioner that the petitioner is an employee of the Transport Company which provides the Truck for transportation of Sponge Iron. While Sponge Iron protects were being transported illegally police seized two trucks. That was involved in the theft. The drivers of the aforesaid two trucks named the present petitioner stating that he has provided the truck. However,

learned counsel for the petitioner submits that he is only an employee of the Transport Company and the request of customers he only provide trucks to them. In such view of the matter, the petitioner has no nexus with stolen articles that have been seized by the police. Further, learned counsel for the petitioner submits that the petitioner is an employee of a Transport Company and it is none of his business to verify the genuineness of the customers rather his duty is only to provide trucks on hiring basis.

6. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioner. However, it is directed that in the event the petitioner surrender before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, he shall be released on bail on such terms and conditions as would be deemed just and proper.

7. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

Jagabandhu

(**A.K. Mohapatra**)
Judge