

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.197 of 2022

Patitapaban Behura* *Petitioner

Mr.B.M. Sarangi, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. Tapas Kumar Praharaj,
Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
31.01.2022**

Order No.

01. This matter is taken up through video conferencing mode.

Heard the learned counsel for the petitioner and learned counsel for the State.

This is an application under section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Colliery P.S. Case No.549 of 2021 corresponding to G.R. Case No. 2368 of 2021 pending in the Court of learned S.D.J.M., Talcher for the commission of the alleged offences punishable under sections 120-B, 420, 468 and 471 of the Indian Penal Code and under Section 12 of the Odisha Minerals (Prevention of Theft, Smuggling and other Unlawful Activities) Act, 1988.

Learned counsel for the petitioner submitted that the driver of the offending vehicle has already been taken into custody and the petitioner being the owner of the said vehicle has been falsely entangled in the case and the offences are triable by Magistrate and therefore, the anticipatory bail application may be favourably considered.

Learned counsel for the State opposed the prayer for anticipatory bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner and the fact that the offences are triable by Magistrate and on hearing the learned counsel for the State, 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 make himself available for interrogation by the I.O. as and when required and he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing any facts to the Courts or to the Investigating Officer. Violation of any of the conditions

shall entail cancellation of bail.

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

PKSahoo

