

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.235 of 2022

Abhimanyu Jal

....

Petitioner

Mr. S.G. Das, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr. S.K. Zafrulla,
Addl. Standing Counsel*

CORAM:

JUSTICE S.K. SAHOO

ORDER

31.01.2022

Order No.

01.

This matter is taken up by video conferencing mode.

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

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with G.R. Case No.521 of 2021 arising out of Kantabanji P.S. Case No.251 of 2021 pending in the Court of learned J.M.F.C, Kantabanji for alleged commission of offences under sections 370/374/420/34 of the Indian Penal Code read with section 25 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.

Perused the F.I.R.

Learned counsel for the petitioner submitted that the petitioner was having the licence issued by the Licensing Officer, Ganjam, Berhampur as a labour contractor and due to paucity of work in the locality, some persons were going to SiKandarabad to work in the brick kiln factory on their own volition and they were given money in advance for the said work and there was no compulsion on them to leave the locality and therefore, the ingredients of the offences are not attracted. He further submitted that some persons were arrested and taken into judicial custody during course of investigation and they have already been released on bail and therefore, the anticipatory bail application of the petitioner may be favourably considered. Learned counsel for the petitioner has annexed the licence as Annexure-2 to this anticipatory bail application.

Learned counsel for the State opposed the prayer for anticipatory bail and placed the statement of one labour, who stated to have received the advance from the petitioner.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner and release of co-accused on bail, 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 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 such facts to the Court or to the Investigating Officer.

Violation of any of the above 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

RKM