

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 341 of 2022

Madina Bibi

....

Petitioner

Mr.B.N. Panda, *Advocate*

-versus-

State of Odisha

....

Opp. Party

Mr. A. Das,
Addl. Government Advocate

CORAM:

JUSTICE S.K. SAHOO

ORDER

01.02.2022

Order No.

01.

This matter is taken up through Video Conferencing Mode.

Heard 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.425 of 2021 corresponding to G.R. Case No.1830 of 2021 pending in the Court of learned S.D.J.M., Talcher for alleged commission of offences under sections 379/120-B/411 of the Indian Penal Code read with section 12 of the Odisha Mines and Minerals (Prevention of Theft Smuggling and other unlawful Activities) Act,

1989.

Perused the F.I.R. annexed to the anticipatory bail application.

Learned counsel for the petitioner submitted that the petitioner who is a woman, is the registered owner of the offending vehicle which was allegedly involved in the commission of theft of coal. It is further submitted that the driver of the vehicle without the knowledge of the petitioner, was carrying on such activities and he was arrested and he has already been released on bail. He further submitted that since the offences are triable by Magistrate, keeping in view the proviso to section 437(1) of Cr.P.C., the bail application of the petitioner may be favourably considered.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, nature of accusation against the petitioner and the fact that the offences are triable by Magistrate and keeping in view the proviso to section 437(1) of Cr.P.C., 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.

p

(S.K. Sahoo)
Judge