

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.535 of 2020

1. Binod Bihari Sahu **Petitioners**
2. Lambodar Sahu

Mr. A. Das, Advocate

-versus-

State of Odisha **Opp. Party**

Mr. Arupananda Das,
Addl. Government Advocate

CORAM:

JUSTICE S.K. SAHOO

ORDER

11.01.2022

Order No.

03.

This matter is taken up by video conferencing mode.

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

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in connection with G.R. Case No.695 of 2019 arising out of Chhendipada P.S. Case No.376 of 2019 pending in the Court of learned J.M.F.C., Chhendipada for alleged commission of offences under sections 379/411/34 of the Indian Penal Code read with section 12 of the Orissa Mines and Minerals (Prevention of Theft Smuggling Activities) Act, 1989.

Perused the F.I.R.

Learned counsel for the State on instruction submitted that petitioner no.1 Binod Bihari Sahu has got four criminal antecedents.

In view of such criminal antecedents against the petitioner no.1, I am not inclined to release the petitioner no.1 Binod Bihari Sahu on anticipatory bail. The prayer for anticipatory bail of petitioner no.1 stands rejected.

So far as petitioner no.2 Lambodar Sahu is concerned, in view of the nature of accusation against the petitioner no.2 and the fact that the offences are triable by Magistrate and that there is only one criminal antecedent against him as per the submission made by the learned counsel for the State, I am inclined to release petitioner no.2 on anticipatory bail and accordingly, this Court directs that in the event of arrest of petitioner no.2 Lambodar Sahu 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 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

