

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1218 of 2022

Binod Kumar Singh* *Petitioner

Mr. P.R. Singh, Advocate

-versus-

State of Odisha* *Opp. Party

Mr. D.K. Pani,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

09.02.2022

Order No.

01. This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).

Heard the 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.549 of 2021 arising out of Barbil P.S. Case No.164 of 2021 pending in the Court of learned J.M.F.C., Barbil for alleged commission of offences under sections 379/411/420/34 of the Indian Penal Code.

Perused the first information report annexed to the anticipatory bail application.

Learned counsel for the petitioner submitted that

the first information report was lodged against three accused persons including the petitioner and one of the co-accused, namely, Pawan Singh has already been released on bail and the two vehicles in which TMT bars were being carried have also been seized in the meantime and the petitioner is the owner-cum-driver of one of such vehicle i.e. NL01-AD-1101 and he has filed an application under section 457 Cr.P.C. before the learned Magistrate for release of the vehicle. It is further contended that since both the vehicles have been seized so also the TMT bars and co-accused has been released on bail and the offences are triable by Magistrate, the anticipatory bail application of the petitioner may be favourably considered.

Learned counsel for the State on instruction does not dispute about the release of co-accused on bail, however he submitted that the vehicle no.NL01-Q-8879 was seized with the TMT bar by Katkamsandi police station of Jharkhand whereas the other vehicle i.e. NL01-AD-1101 was without body and without TMT bar, which was seized by Barbil police. Learned counsel for the State further submitted that interrogation of the petitioner is necessary.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, release of co-

accused on bail and the fact that the offences are triable by Magistrate, 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 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 with further conditions that the petitioner shall appear before the Investigating Officer on 21.02.2022 without fail and he shall cooperate with the investigation of the case and he shall further appear before the Investigating Officer as and when required but to that effect, written notice should be given to the petitioner in advance and if the petitioner does not appear on the date fixed and does not cooperate with the investigation, the prosecuting agency is at liberty to seek appropriate remedy for cancellation of anticipatory bail.

Violation of any of the above conditions shall entail cancellation of bail.

The ABLAPL is accordingly disposed of.

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

(S.K. Sahoo)
Judge

RKM

