

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1265 of 2022

Santosh Kumar Paikaray Petitioner
@ Santosh Paikaray

Mr. S.K. Bhanjadeo, Advocate

-versus-

State of Odisha Opp. Party

Mr. J.P. Patra,
Addl. Standing Counsel

CORAM:
JUSTICE S.K. SAHOO

ORDER
16.02.2022

Order No.

03. This matter is taken up through Hybrid arrangement (video conferencing/physical 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.183 of 2022 arising out of Begunia P.S. Case No.31 of 2022 pending in the Court of learned S.D.J.M., Khurda for alleged commission of offences under sections 379/411/34 of the Indian Penal Code read with section 51 of the Odisha Minerals (Prevention of Theft, Smuggling and Illegal Mining and Regulation of Possession, Storage, Trading and Transportation) Rules, 2007.

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

It is the prosecution case that the petitioner has engaged some persons for illegal operation of the laterite stone quarry and one power tiller/cutter machine was used for such purpose.

Learned counsel for the petitioner submitted that the petitioner was not present at the scene of occurrence and he has been falsely entangled in the case and therefore, the anticipatory bail application of the petitioner may be favourably considered.

Learned counsel for the State, on the other hand, submitted that there is one criminal antecedent against the petitioner of the year 2014.

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

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

(S.K. Sahoo)
Judge

RKM

