

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 1338 of 2022

Sk. Sahar

....

Petitioner

Mr.B.N. Panda, 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.

01.

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 of Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Colliery P.S. Case No.428 of 2021 corresponding to G.R. Case No.1833 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 and section 12 of the Orissa Minerals (Prevention of theft smuggling & other unlawful activities Act, 1988.

Learned counsel for the petitioner submitted that the petitioner has not been named in the F.I.R. as an accused and he has been subsequently entangled in the case basing on the confessional statement of the co-accused before police and some of the co-accused persons have been enlarged on bail and therefore, the bail application of the petitioner may be favourably considered.

Learned counsel for the State opposed the prayer for bail.

In view of the available material on record, while not inclining to grant anticipatory bail to the petitioner, I direct that in the event the petitioner surrenders before the learned Courts below within a period of four weeks from today and moves for bail, the same shall be considered in accordance with law expeditiously and claim of parity with the co-accused shall be taken into account at the time of adjudication of the bail application. The case records shall be made available to the Court concerned.

The ABLAPL stands disposed of.

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

(S.K. Sahoo)
Judge

