

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 1340 of 2022

Duna Prashant Kumar* *Petitioner

Mr.J. Sahoo, 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 Khurda P.S. Case No.30 of 2022 corresponding to G.R. Case No.84 of 2022 pending in the court of learned S.D.J.M., Khurda for alleged commission of offences under sections 379/186 of the Indian Penal Code read with section 68 of Orissa Minor Minerals Concession Rules, 2004.

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 merely because he is the owner of the offending truck and in view of the nature of accusation against the petitioner, the bail application of the petitioner may be favourably considered.

Learned counsel for the State on instruction submitted that there is one criminal antecedent against the petitioner which also involves the offence under sections 353/379/411 of the Indian Penal Code read with section 21 of the Mines and Minerals Act.

In view of the available material on record particularly the criminal antecedents against the petitioner, while not inclining to grant anticipatory bail to the petitioner, I direct that in the event the petitioner surrenders before the learned Court below within a period of four weeks from today and moves for bail, the same shall be considered by the learned Courts below 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

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