

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1551 of 2022

Tapan Das @ Debabrat Das ***Petitioner***

Mr.P.C. Jena, Advocate

-versus-

State of Odisha ***Opp. Party***

*Mr.A.K. Beura,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
23.02.2022**

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 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with C.T. Case No.36 of 2022 arising out of Jaleswar P.S. Case No.30 of 2022 pending in the Court of learned J.M.F.C., Jaleswar for alleged commission of offences under sections 447/294/323/506/353/188/269/270/354/336/34 of the Indian Penal Code read with section 51 of Disaster Management Act, 2005.

Learned counsel for the petitioner submitted

that when the petitioner objected before the Tahasildar, Jaleswar regarding the illegal activities of some sand Mafias and asked him to take action against them, this case has been foisted against the petitioner in order to save the sand Mafias. He further submitted that the offences are triable by Magistrate and similarly situated co-accused persons have been released on bail in ABLAPL No.1318 of 2022 and therefore, the anticipatory bail application of the petitioner may be favourably considered.

Learned counsel for the State opposed the prayer for anticipatory bail.

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

