

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 1854 of 2022

Mangalu Seth

....

Petitioner

Mr.S. Padhee, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. A.K. Beura

Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

08.03.2022

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. in connection with Binika P.S. Case No.260 of 2021 corresponding to G.R. Case No.246 of 2021 pending in the file of learned J.M.F.C., Binika for alleged commission of offence under section 379 of the Indian Penal Code.

Perused the F.I.R. annexed to the anticipatory bail application.

Learned counsel for the petitioner submitted that the F.I.R. was lodged against unknown persons and it was found that 16 numbers of DI Pipes were being transported in a truck from the stockyard at Bishalpali Chowk. He further submitted that the owner of the offending truck has already been released on bail by this Court in ABLAPL No. 841 of 2002 and the petitioner is the driver of the truck and the offence is triable by Magistrate and therefore, the 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 and the fact that the offence is triable by Magistrate and release of the co-accused on bail, 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 any facts to the Courts or to the Investigating Officer. Violation of any of the conditions shall entail cancellation of bail.

The ABLAPL is accordingly disposed of.

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

p

(S.K. Sahoo)
Judge

