

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2239 of 2022

Ajit Bhutia @ Aju

....

Petitioner

Mr.P.K. Nayak, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr.D.K. Pani,
Addl. Standing Counsel*

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

ORDER

30.03.2022

Order No.

02. 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.346 of 2018 arising out of Motanga P.S. Case No.56 of 2018 pending in the Court of learned S.D.J.M., Dhenkanal for alleged commission of offence under section 379/34 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the petitioner submitted that the F.I.R. was lodged on 02.04.2018 against unknown persons and the case was registered under section 379/34 of the Indian Penal Code and on completion of investigation, final report was submitted, however one

Balaram Behera made a confessional statement before police regarding his involvement in the case and he has also named the petitioner as co-accused and basing on such confessional statement of said co-accused Balaram Behera, the case has been reopened. Learned counsel further submitted that in view of the nature of accusation against the petitioner and since the offence is triable by Magistrate, the anticipatory bail application of the petitioner may be favourably considered.

Learned counsel for the State does not dispute that the case has been reopened basing on the confessional statement of co-accused before police, however he submitted that the petitioner has got no criminal antecedent.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, absence of any criminal antecedent and the offence is 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

