

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2772 of 2022

1. Rakesh Pradhan
2. Sumanta Pradhan
3. Sunil Kumar Nahak **Petitioners**

Mr.R.K. Mahapatra, Advocate

-versus-

State of Odisha **Opp. Party**

Mrs. Susamarani Sahoo,
Addl. Standing Counsel

CORAM:
JUSTICE S.K. SAHOO

ORDER
06.04.2022

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioners and learned counsel for the State.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in connection with G.R. Case No.266 of 2022 arising out of Banarpal P.S. Case No.94 of 2022 pending in the Court of learned J.M.F.C., Banarpal for alleged commission of offences under section 379/34 of the Indian Penal Code read with section 12 of the Odisha Mines and Minerals (Prevention of Theft, Smuggling and other Unlawful Activities) Act, 1989.

Perused the first information report annexed to the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioners that the petitioner no.2 is the registered owner of the offending truck in which coal was being transported illegally as alleged by the prosecution and petitioner no.1 is the son of petitioner no.2 and basing on the confessional statement of the driver Madan Pradhan, who was apprehended on the spot, the petitioners have been falsely entangled in the case and the offences are triable by Magistrate and on hearing the learned counsel for the State, I am inclined to release the petitioners on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioners in connection with the aforesaid case, they shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties each for the like amount to the satisfaction of the arresting officer with further conditions that they shall make themselves available for interrogation by the I.O. as and when required and they 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

