

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2990 of 2022

Babula @ Chitta Ranjan Jena ***Petitioner***

Mr.B.P. Nanda, Advocate

-versus-

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

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

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

**ORDER
20.04.2022**

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 Colliery P.S. Case No.109 of 2022 corresponding to G.R. Case No.538 of 2022 pending in the Court of learned S.D.J.M., Talcher for alleged commission of offences under sections 120B, 379, 511 of the Indian Penal Code and section 12 of the Mines and Mineral (Prevention of Theft Smuggling and other unlawful Activities) Act, 1989.

Learned counsel for the petitioner submitted that the F.I.R. is lodged against one Sarat Behera and basing on the confessional statement of the co-accused before police, the petitioner was arrayed as an accused mainly on the ground that he is the registered owner of the offending truck. It is

further submitted that the offences are triable by Magistrate 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 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 she 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.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

PKSahoo