

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6402 of 2022

1. Hemanta Kumar Singh
2. Nandadulal Biswal @
Mishra
3. Dinabandhu Patra
4. Debabrata Rai @ Raj
5. Rajesh Kumar Jena
6. Subas @ Subash Patra
7. Suryakanta Dey **Petitioners**

Mr.S.K. Jena , Advocate

-versus-

State of Odisha **Opp. Party**

Mrs.Susamarani Sahoo,
Addl. Standing Counsel

CORAM:
JUSTICE S.K. SAHOO

ORDER

13.07.2022

Order No.

03. 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 C.T. Case No.230 of 2022 arising out of Jaleswar P.S. Case No.195 of 2022 pending in the Court of learned J.M.F.C., Jaleswar for alleged commission of offences under sections 341/294/323/506/332/353/34 of the Indian Penal Code, section 51 of the Odisha Minor

Minerals Concession Rules, 2004 and section 12 of the Odisha Minerals (Prevention of Theft Smuggling and Other Unlawful Activities) Act, 1988.

Perused the F.I.R.

Learned counsel for the petitioners submitted that it is a case where the accusation is that the tractors were illegally extracting earth from the Government land and transporting the same without valid permit.

Learned counsel for the State on instruction submitted that except petitioner no.2, the other petitioners have got no criminal antecedents.

Considering the nature of accusation against the petitioner no.2 and the availability of criminal antecedent, while not inclining to release him on anticipatory bail, it is observed that in the event the petitioner no.2 Nandadulal Biswal @ Mishra surrenders in the Court below within a period of four weeks from today and moves for bail, the same shall be disposed of as expeditiously as possible by the Courts below in accordance with law and claim of parity with the co-accused, who is stated to have been released on bail, shall be taken into account at the time of adjudication of the bail application. The case records shall be made available to the Court concerned.

So far as petitioners nos.1 and 3 to 7, namely, Hemanta Kumar Singh, Dinabandhu Patra, Debabrata Rai @ Raj, Rajesh Kumar Jena, Subas @ Subash Patra and Suryakanta Dey respectively are concerned, considering the nature of accusation against them and absence of any criminal antecedent and the fact that the offences are triable by Magistrate, I am inclined to release them on

anticipatory bail. Accordingly, this Court directs that in the event of arrest of petitioners nos.1 and 3 to 7, namely, Hemanta Kumar Singh, Dinabandhu Patra, Debabrata Rai @ Raj, Rajesh Kumar Jena, Subas @ Subash Patra and Suryakanta Dey respectively 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