

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6574 of 2022

1. Bikash Charan Rout

2. Dibakar Sahoo

3. Amulya Nayak

4. Rajesh Nanda

.... Petitioners

Mr.A.K.Sahoo, Advocate

-versus-

State of Odisha

.... Opp. Party

*Mr.Rajesh Tripathy,
Addl. Standing Counsel*

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

ORDER

13.07.2022

Order No.

02. 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.816 of 2022 arising out of Jenapur P.S. Case No.140 of 2022 pending in the Court of learned J.M.F.C., Chandikhole for alleged commission of offences under sections 379/420/384 of the Indian Penal Code, section 15 of the Environment Protection Act, 1986, section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 and sections 4/5 of the Explosive Substances Act, 1908.

Perused the F.I.R.

Learned counsel for the State has produced the written instruction received from the Inspector in-charge of Jenapur police station which reveals that the petitioner no.1 Bikash Charan Rout has got one criminal antecedent, which is offence under section 307 of the Indian Penal Code and the other petitioners are having no criminal antecedent. The written instruction is taken on record.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner no.1 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.1 Bikash Charan Rout 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.2, 3 and 4, namely, Dibakar Sahoo, Amulya Nayak and Rajesh Nanda respectively are concerned, considering the nature of accusation against them and absence of any criminal antecedent, I am inclined to release them on anticipatory bail. Accordingly, this Court directs that in the event of

arrest of petitioner no.2 Dibakar Sahoo, petitioner no.3 Amulya Nayak and petitioner no.4 Rajesh Nanda 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