

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6868 of 2022

Amulya Nayak @ Amulya Kumar ***Petitioner***
Nayak

Mr. S.K.Jena, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. P. Tripathy, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

18.07.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioner for anticipatory bail.
4. The petitioner seeking pre-arrest bail in connection 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 commission of offence punishable under Sections 379/420/384, I.P.C. read with Section 15 of the Environment Protection Act, Section 21 of the MMDR Act and Sections 4/5 of the E.S. Act.
5. It is submitted by learned counsel for the petitioner that the petitioner is the owner of the vehicle, which was involved in the alleged offence. It is alleged that the vehicle in question and illegally carrying black stones which was seized by the Tahasildar. Neither the petitioner

was present at the spot nor any thing seized from the conscious possession of the petitioner.

6. Considering the submissions made by leaned counsel for the petitioner, nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioner. However, it is directed that in the event the petitioner surrender before the learned court in seisin over the matter, he shall be released on bail on such terms and conditions as would be deemed just and proper.

7. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

Jagabandhu



(A.K. Mohapatra)
Judge