

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6972 of 2022

Dulla @ Balaram Bhujabal and others ***Petitioners***

Mr. Manas Chand, *Advocate*

-versus-

State of Odisha ***Opp. Party***
Mr. S. Mishra, 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 petitioners 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 petitioners seeking pre-arrest bail in connection G.R. Case No.853 of 2022, arising out of Jankia P.S. Case No.194 of 2022 pending in the court of learned S.D.J.M., Khurda for commission of offence punishable under Section 379/34, I.P.C. and Section 51 of the OMMC Rules.
5. It is alleged that while the informant performing patrolling duty, he received reliable information regarding cutting of Laterite Stone by Power Tiller and attempt of lift the same by a truck. Although on notice of police team some persons fled away but the police team managed to round off some persons seized the vehicle for cutting and transportation

of laterite stone.

6. It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the present case. It is further submitted that the petitioner no.3-Nira @ Niranjan Srichandan has some criminal antecedents.

7. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioners. However, it is directed that in the event the petitioner nos.1-Dull @ Balam Bhujabal and petitioner no.2-Jitu @ Jitendra Baliarsingh surrender before the learned court in seisin over the matter in the aforesaid case within a period of three weeks from today, petitioner nos.1-Dull @ Balam Bhujabal and petitioner no.2-Jitu @ Jitendra Baliarsingh shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper.

8. However, on the submission of the learned counsel, the petitioner no.3-Nira @ Niranjan Srichandan is given liberty to surrender before the court in seisin over the matter in the aforesaid case in the first hour within 21 working days hence and move for bail. On such event, the learned Magistrate shall consider her application for bail in the first hour strictly on the basis of materials on record. In case of rejection of the bail application, the petitioner no.3 may move for bail before the higher forum in the second hour. On such event, the higher forum shall consider and dispose of the bail application of the petitioner on the same day strictly on the basis of the materials on record.

9. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the petitioners, if applied for.

10. Accordingly, the ABLAPL is disposed of.

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

Jagabandhu

(A.K. Mohapatra)
Judge

