

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9213 of 2021

Ajay Toppo and another	...	Petitioners
		Mr. B.P. Mohanty, Advocate
	- Versus -	
State of Odisha	...	Opposite Party
		Mr. P. Tripathy, Addl. Standing Counsel

CORAM:
JUSTICE SASHIKANTA MISHRA

ORDER
05.01.2022

Order No.
1.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned Addl. Standing Counsel for the State.
3. The petitioners are in custody since 21.08.2021 having been taken on remand in connection with Lahunipada P.S. Case No. 103 dated 09.07.2021 corresponding to G.R. Case No. 403 of 2021 pending in the Court of learned S.D.J.M., Bonai for the alleged commission of offence under Sections 379/413/120-B of IPC. It is alleged that the petitioners being associated with several persons used to commit theft of Truck (Tipper) at the instance of Rajan Sanyasi, who is a scrap dealer. While they were lodged in jail in connection with another case, they were taken on remand in the present case.
4. It is submitted that nothing was seized from the possession of the petitioners.
5. On query by this Court, it is submitted by learned ASC

that the stolen Tipper has been recovered but as scrap.

6. Having regard to the submissions made and the materials on record and the fact that the stolen Tipper has already been recovered, though in the form of scrap, I am inclined to allow the prayer for bail. Let the petitioners be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that they shall personally appear before the trial court on each date of posting of the case without fail.

7. BLAPL is accordingly disposed of.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

