

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13519 of 2022

Maharga Behera

Petitioner

....
Mr.Sarathi Jyoti Mohanty, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr.M.K.Mohanty, A.S.C.

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
20.10.2022**

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner, learned Addl. Standing Counsel for the State. Perused the records.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 120-B, 341, 294, 353, 395, 307 of the Indian Penal Code read with Section 21 of Mines and Minerals (Development and Regulation) Act, 1957.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is the Manager of the Truck in which it is alleged that minerals were being transported illegally. Further, learned counsel for the Petitioner submits that the permit reveals that the goods are carried lawfully, but when the Police Officer refused to consider the same and demanded money, a scuffle took place between the Petitioner and the Police Officer. He further submits that as a result

of such scuffle, the Petitioner has been falsely implicated in the present case.

5. Considering the seriousness of the allegation, gravity of the offence and the facts of the case, although I am not inclined to grant anticipatory bail to the Petitioner, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned S.D.J.M., Talcher in G.R.Case No.2430 of 2022 arising out of Colliery P.S.Case No.530 of 2022, he shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper in the facts and circumstances of the case.

5. The ABLAPL is disposed of accordingly.

6. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge

RKS