

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13801 of 2022

Deepak Kumar Routray

....

Petitioner

Mr. Manas Kumar Chand, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Debasis Biswal, A.S.C.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

09.11.2022

Order No.

02.

1. Heard learned counsel for the Petitioner and the State.

2. By means of this application, the Petitioner seeks pre-arrest protection under Section 438, Cr.P.C. for his alleged involvement in the offence under Sections 379/411/34, I.P.C. read with Section 51 of the OMMC Rules, 2004, in connection with Baghamari P.S. Case No.140 of 2022 corresponding to G.R. Case No.1702 of 2022 pending in the files of learned S.D.J.M., Khurda.

3. It is alleged that on 17.10.2022 at about 8.15 A.M. while the informant being the S.I. of Police attached to Baghamari P.S. along with other staff of the said P.S. were on patrolling duty, came across with one 407 Truck bearing Registration No.OR 02 BU 9796 loaded with laterite stones coming towards them in a high speed. On being asked to stop, the driver of the said vehicle tried to drive the vehicle in more high speed, but ultimately leaving the truck, the driver managed to make his good escape. On verification, it was found 100 pieces of laterite stone were loaded in the backside

‘Daalaa’ of the truck, which was seized in presence of the witnesses. On further verification it was ascertained that the owner of the vehicle namely Deepak Kumar Routray (the present Petitioner) too was driving the vehicle and transporting the minor and minerals illegally without having any authorization.

4. On the basis of F.I.R. lodged by the S.I. of Police, Baghamari P.S., the law was set in motion.

5. Learned counsel for the State could not bring any specific criminal antecedent against the present Petitioner while opposing the prayer for bail of the Petitioner.

6. Considering the submissions of the parties, nature and gravity of the offence, while this Court is not inclined to grant anticipatory bail, it is directed that the petitioner, if so desires, may surrender before the learned court below in seisin over the matter within three weeks hence. In such event, the learned court below shall deal with the matter of bail of the Petitioner on its own merit strictly in accordance with law, on the same day itself.

7. The ABLAPL stands disposed of accordingly, and the interim order of protection granted to the Petitioner on dated 27.10.2022 stands vacated forthwith.

(Chittaranjan Dash)
Judge

S.K. Parida