

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13849 of 2022

***Jajati Sivashakti Bardhan
&another***

.... Petitioners
Mr. P.K Panda, Advocate

-versus-

State of Odisha

.... Opp. Party
Mr. Sasanka Patra, A.S.C.

**CORAM:
JUSTICE CHITTARANJAN DASH**

**ORDER
22.11.2022**

Order No.

03.

1. Heard learned counsel for the Petitioners and the State.
2. This is an application for bail U/s.438 Cr.P.C. filed by the Petitioners in apprehension of arrest for their alleged involvement in the offences U/s. 186/188/353/307/465/468/420/34 of IPC and Section-51(1) of O.M.M.C Rules, 2004.
3. It is alleged that on 18.10.2022 at about 12 P.M, while the Tahsildar, Bhuban (Informant) was returning from the Camp Court, on the way she found two Hywa Truck bearing Registration Nos. OD-16-D-6754 and OD-16-D6766 overloaded with sand without having valid transit pass. The informant chased both the Hywa Trucks by his Bolero Van and tried to stop them for illegal transportation of sand and enquired into the Transit Passes, to which she found to be invalid. The informant seized both the Hywa

Trucks and directed the drivers and owner of the Vehicles present on the spot to follow her to reach Bhuban P.S. But, they did not carry out the instruction of the Informant and tried to escape with the vehicle from the spot and even they tried to override the Bolero of the Tahsildar (informant) thereby made attempt to do away with the life of the Informant. Further, the driver of the Vehicle bearing Registration No.OD-16-D-6754 tried to manipulate the date in the Transit pass by scoring the false date to be 15.10.2022 instead of 18.10.2022. It is further reported that in between the incident, the truck escaped from the control of the Informant with the sand loaded to a nearby village. However, on the spot, the Hywa Truck bearing Registration No. OD-16-D-6756 along with the driver and owner were handed over to the Bhuban Police. On the report of the Tahsildar the case was registered as stated above.

4. Keeping in view the submission of the parties and having gone through the nature of allegations as emerged from the material on record and further the circumstances appearing, the seriousness and gravity of the offences, while this Court is not inclined to grant anticipatory bail, the petitioners are at liberty to surrender before the learned J.M.F.C., Bhuban in Bhuban P.S case No. 428 of 2022 corresponding to G.R Case No. 407 of 2022 within three weeks' from today and move for bail the learned court in seisin over the matter shall consider the bail application of the Petitioners in the first hour of the day, strictly on the basis of the materials available on record in its own merit.

5. In case of rejection of the bail application by the learned court, the Petitioners may move for bail before the higher forum in the second hour of the same day. In that event, the higher forum shall consider and dispose of the bail application of the Petitioners on the same day on its own merit.

6. It is made clear that the learned court below shall not be influenced by any of the observations of this court made herein above in any manner. Case diary be made available to the learned courts below as soon as possible to facilitate disposal of the bail application of the Petitioners on the same day. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge

B.K Sahoo

