

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14006 of 2022

Aswini Routray

.... ***Petitioner***
Mr. Jyotirmaya Sahoo, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. Shashanka Patra, A.S.C.

**CORAM:
JUSTICE CHITTARANJAN DASH**

Order No.

**ORDER
16.11.2022**

- 03.
1. Heard the learned counsel for the Petitioner and the State.
 2. By means of this application, the Petitioner seeks grant of bail under Section 438, Cr.P.C. in anticipation of arrest for his alleged involvement in the offence under Sections 379/411/34, I.P.C. and Section 68 of the OMMC Rules, in connection with Khurda Sadar P.S. Case No.198 of 2022 corresponding to G.R. Case No.1694 of 2022 pending in the court of learned S.D.J.M., Khurda.
 3. It is alleged that, on 16.10.2022 while the police personnel from Sadar P.S., Khurda performing night patrolling duty, received information from reliable source regarding illegal transportation of laterite stone being carried from the mines located at the backside of Kaipadar, Khurda. In order to ascertain the veracity of the information, the police personnel rushed to the spot and reached in front of Kaipadar college road where they came across two numbers

of truck loaded with laterite stone. On being asked the driver of the truck bearing registration No.OR-09-F-8694 disclosed his name to be Ekana Pradhan and further disclose that he too is the owner of the truck. The driver of the truck bearing registraion no. OR-06-C-4409 disclosed his name to be Bikash Behera @ Babu and further disclosed that as per the direction of the owner of the truck he transported the laterite stone. Both failed to produce the K-Form against the transportation of laterite stone. Accordingly, the trucks were seized and the drivers got arrested.

4. It is submitted by the learned counsel for the Petitioner that he is the owner of the truck and has no antecedents, however, is apprehending his arrest and accordingly seeks bail, while no material appears against him to connect with the alleged crime.

5. Learned counsel for the State, on the direction of the Court, while obtained the up-to-date Case Diary, also stated to have no criminal antecedent appearing against the present petitioner.

6. In such view of the matter, this Court while not inclined to grant anticipatory bail, directs that in the event the Petitioner surrenders before the court in seisin over the matter and moves for bail, the learned court shall consider his application keeping in view the fact that the name of the present petitioner does not find place in the F.I.R. and no criminal antecedent stands to his credit and shall dispose of the bail application of the petitioner on the same day. In case the court proposes to grant bail, shall do so on such terms and conditions as would be deemed just and proper, so also with the conditions that the Petitioner shall tender an undertaking that he

shall not engage his vehicle in carrying / transporting any articles including stone in any manner without proper documentation Violation of the terms and conditions shall entail the bail to be automatically cancelled.

7. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge

S.K. Parida

