

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14553 of 2022

Rajesh Das

..... Petitioner

Mr. Jayadeba Behera, Advocate

-versus-

State of Odisha

..... Opposite Party

Mr. Debasish Biswal, A.S.C.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

19.12.2022

Order No.

01.

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

2. By means of this application, the Petitioner seeks grant of bail U/s.438 Cr.P.C. in apprehension of arrest for his alleged involvement in the offences U/s. 379/411/413/307/332/353/120-B/34, I.P.C. in connection with Chandbali P.S. Case No.335 of 2022 corresponding to G.R. Case No.805 of 2022 pending before the court of learned J.M.F.C., Chandbali.

3. It is alleged that, on 17.10.2022 at about 3.30 A.M. while the police patrolling party of Chandbali P.S. were performing night patrolling duty in the P.S. area, received reliable information that six nos. of Pick-up van loaded with DPCL superfine hard coal packets coming from Ghanteswar side Kharang Bazar road and proceeding towards Chandbali/Rajkanika side for transporting the said stolen coal, which were collected by them illegally from the Dhamara-Bhadrak coal-loaded running train. On this information, the police patrolling party proceeded towards Kharanga and chased

the said Pick-up vans and tried to stop them enroute. Seeing the police team, the drivers managed to escape from the spot leaving the vehicles. On enquiry it was ascertained that the vehicles loaded with 60 nos. of white plastic bags of DPCL superfine hard coal, each bag containing 50 kgs. approximately.

4. Learned counsel for the Petitioner submits that the petitioner has not been named in the F.I.R. and there is no criminal antecedent of similar nature against the present Petitioner.

5. Considering the submission of the learned counsels for the parties, nature of allegations, the circumstances appearing and the seriousness and gravity of the offences, while this court is not inclined to grant anticipatory bail, it is directed that, in the event the Petitioner surrenders and moves for bail before the learned J.M.F.C., Chandbali in the aforesaid G.R. Case within a period of three weeks from today, he shall be allowed to go on bail on such terms and conditions as would be deemed just and proper by the said court, but subject to verification of Criminal Antecedents of the Petitioners .

6. If it is found that there is more than one antecedent to the credit of the Petitioner and/or the injuries, if any is grievous, this order shall not be given effect to. However, if the learned Magistrate is satisfied that there is not more than one criminal antecedent of similar nature and the injuries are simple and admits the Petitioner to bail, the following further conditions be imposed –

(i) The Petitioner shall appear before the I.O. and shall cooperate with the investigation as and when required;

(ii) He shall also appear in person before the trial court on each date of posting of the case unless specifically exempted by the court concerned.

(iii) He shall not indulge in any other offence of similar nature in any manner and shall not use his vehicle in any such criminal activities in any manner whatsoever, while on bail.

(iv) Violation of any of the conditions shall entail cancellation of bail of the Petitioner.

7. The ABLAPL is disposed of accordingly.

(*Chittaranjan Dash*)
Judge

S.K. Parida

