

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 14740 of 2022

Nasir Saha

....

Petitioner

Mr. B. K. Behera, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. S. Patra, ASC

CORAM:

JUSTICE CHITTARANJAN DASH

Order No.

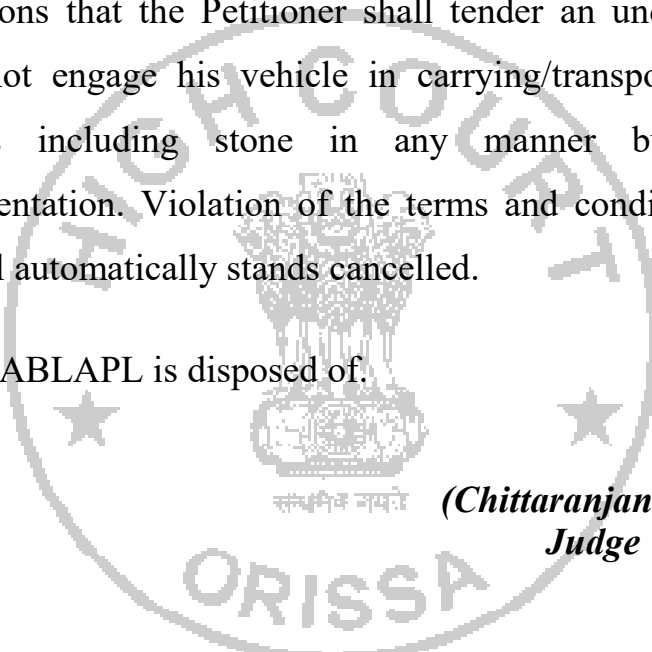
ORDER

14.12.2022

- 02.
1. Heard 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, I.P.C. read with Section 21 of the M.M.D.R. Act and Section 68 of the OMMC Rules in connection with Nirakarpur P.S. Case No.220 of 2022 corresponding to G.R. Case No.630 of 2022 pending in the Court of learned J.M.F.C.-cum-NGN., Tangi, Khurda.
 3. Learned counsel for the Petitioner submits that the Petitioner has not been named in the FIR. On the basis of the confessional statement of the co-accused, he has been falsely implicated in this case. He further submits that the Petitioner is the owner of JCB which was used for extraction of minor minerals.
 4. Learned counsel for the State submits that apparently there is no criminal antecedent against the present Petitioner.

5. 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 move for bail, the learned court shall consider his application keeping in view the fact that there is 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 intends 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 stolen articles including stone in any manner but with proper documentation. Violation of the terms and conditions shall entail the bail automatically stands cancelled.

6. The ABLAPL is disposed of.

The seal of the Orissa High Court is a circular emblem. It features the Ashoka Lion Capital in the center, with the words 'HIGHER COURT' at the top and 'ORISSA' at the bottom. Two stars are positioned on either side of the central emblem. Below the lion capital, the Odia text 'संघमिक न्यायो' is visible.
संघमिक न्यायो

(Chittaranjan Dash)
Judge

AKPradhan