

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15926 of 2021

1. Sarat Naik **Petitioners**
2. Minaketan Naik

Ms. Aditi Hota, *Advocate*

-versus-

State of Odisha **Opp. Party**

Mr. Arupananda Das,
Addl. Government Advocate

CORAM:

JUSTICE S.K. SAHOO

ORDER

12.01.2022

Order No.

01. This matter is taken up by video conferencing mode.

Heard learned counsel for the petitioners and learned counsel for the State.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in connection with Talcher P.S. Case No.527 of 2021 corresponding to G.R. Case No.2283 of 2021 pending in the Court of learned S.D.J.M., Talcher for alleged commission of offences under sections 379/120-B of the Indian Penal Code read with section 12 of the Orissa Mines and Minerals (Prevention of Theft Smuggling Activities) Act, 1989.

Perused the FIR.

Learned counsel for the petitioners submitted that petitioner no.1 Sarat Naik has already been arrested and he has been released on bail.

In view of such submission, this anticipatory bail application so far as petitioner no.1, Sarat Naik, is concerned stands disposed of.

It is further submitted that two co-accused persons were arrested at the spot and they were produced in Court and subsequently, they have been released on bail by the learned Additional Sessions Judge, Talcher and there is no such clinching material available on record against the petitioner no.2 Minaketan Naik and since the offences are triable by Magistrate, the anticipatory bail application of the petitioner no.2 may be favourably considered.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner no.2, release of the co-accused persons on bail and the fact that the offences are triable by Magistrate, I am inclined to release petitioner no.2 on anticipatory bail and accordingly, this Court directs that in the event of arrest of petitioner no.2 Minaketan Naik in connection with the aforesaid case, he shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten

thousand) with two sureties each for the like amount to the satisfaction of the arresting officer with further conditions that he shall make himself available for interrogation by the I.O. as and when required and he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the Investigating Officer.

Violation of any of the above conditions shall entail cancellation of bail.

The ABLAPL is accordingly disposed of.

Parties may utilize the soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner prescribed vide Office Order dated 7th January 2022.

(S.K. Sahoo)
Judge

RKM