

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15941 of 2021

Sujit Garnayak @ Sujit Kumar Garnaik ***Petitioner***

Ms. A. 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 petitioner and learned counsel for the State.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with G.R. Case No.2288 of 2021 arising out of Colliery P.S. Case No.528 of 2021 pending in the Court of learned S.D.J.M., Talcher for alleged commission of offences under sections 120-B/379 of the Indian Penal Code read with section 12 of the Orissa Mines and Minerals (Prevention of Theft Smuggling Activities) Act, 1989.

Perused the F.I.R.

Learned counsel for the petitioner submitted that the petitioner is the registered owner of the offending truck bearing registration no.OD-19-L-1857 and the offences are triable by Magistrate and therefore, the anticipatory bail application of the petitioner may be favourably considered.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the respective parties, the nature of accusation against the petitioner and since the offences are triable by Magistrate, I am inclined to release the petitioner on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner 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 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

