

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 16089 of 2021

Rushinath Parida **Petitioner**

Mr.S.K. Samantaray, Advocate

-versus-

State of Odisha **Opp. Party**

Mr. A. K. Beura,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

18.01.2022

Order No.

01. This matter is taken up through Video Conferencing Mode.

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

This is an application under section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Tamando P.S. Case No.235 of 2021 corresponding to C.T. Case No.6179 of 2021 pending in the Court of learned S.D.J.M., Bhubaneswar for alleged commission of offences under sections 379/411/34 of the Indian Penal Code read with section 51(1)(i) of the Odisha Minor Mineral Concession Rules, 2016.

Perused the F.I.R. annexed to the anticipatory bail application.

Learned counsel for the petitioner submitted that even though the petitioner has not been named in the F.I.R. as an accused, the driver of the offending truck which was found transporting laterite stone, named the petitioner to be the registered owner of the vehicle and that is how the petitioner has been implicated in the case and he is apprehending arrest. He further submitted that the petitioner is not the registered owner but he was the power of attorney holder and the offences are triable by Magistrate and therefore, the 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 learned counsel for the respective parties, 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 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 any facts to the Courts or to the investigating Officer. Violation of any of the 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.

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(S.K. Sahoo)
Judge