

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16339 of 2021

Tapan Kumar Nayak and another* *Petitioners

-versus-

State of Odisha* *Opposite Party

CORAM: JUSTICE S.PUJAHARI

ORDER
21.01.2022

Order
No.

01. 1. This matter is taken up through virtual mode.
2. The Petitioners apprehending their arrest in Baliapal P.S. Case No.232 of 2021 registered for alleged commission of offence punishable under Section 379 read with Section 34 of the I.P.C. and Section 51 of the Orissa Minor Minerals Concession Rules, 2004, have filed this petition for their release on pre-arrest bail.
3. Heard the learned counsel for the Petitioners and the learned counsel for the State.
4. Perused the F.I.R. allegations.
5. On consideration of the allegations made in the F.I.R. and also the submissions made, especially the nature and character of allegations, circumstances in which the offences stated to have been committed and also it being not disputed that the Petitioners' release on pre-arrest bail shall not be an hindrance to a free and fair investigation, this Court is of the view that the Petitioners have made out a case for their release on pre-arrest bail, more particularly when they are ready and willing to cooperate with the investigation and they have no chance

of absconding and/or tampering with the prosecution evidence, if released on pre-arrest bail.

6. Hence, this Court directs that in the event of arrest of the Petitioners in connection with the aforesaid case, they be released on bail by the Officer effecting arrest on such terms and conditions as deemed just and proper.

7. However, the aforesaid order is subject to the condition that the Petitioners shall cooperate with the investigation and no other graver offence is reported against the Petitioners besides the aforesaid offences.

8. The ABLAPL is, accordingly, disposed of being allowed.

9. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout copy of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office order circulated vide Memo Nos.514 & 515 dated 7th January, 2022.

(S.Pujahari)
Judge