

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15920 of 2022

Chittaranjan Dash & another ***Petitioners***
Mr. Kaustuva Mohanty, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. Shashanka Patra, A.S.C.

CORAM:
JUSTICE CHITTARANJAN DASH

ORDER
21.12.2022

Order No.

01. 1. Heard the learned counsels for the Petitioners and the State.
2. By means of this application, the Petitioners seek grant of bail U/s.438 Cr.P.C. in apprehension of arrest for their alleged involvement in the offences U/s. 120-B/403/408/420/34, I.P.C., in connection with Telkoi P.S. Case No.297 of 2022 corresponding to G.R. Case No.4846 of 2022 pending in the court of learned S.D.J.M., Sambalpur.
3. It is submitted by learned counsel for the petitioners that the Drivers of the vehicles in question have already been taken to custody. He further submits that the present Petitioners being the owners in respect of the Brick Factory namely Lio Bricks at Marakuta under Jharsuguda Sadar P.S., were not aware of the fact that the stolen materials were unloaded and stacked inside their factory premises and they too have not been named in the F.I.R. with regard to any overt act shown by them, and as such prays for consideration of pre-arrest bail.

4. Learned counsel for the State while submitted that no criminal antecedents stand to the credit of the present Petitioners, it is submitted by him that the Manager of the Brick Factory besides the Drivers of the vehicles have been taken to custody and as such it cannot be said that without the knowledge and instruction of the present Petitioners being owners of the Brick Factory, the materials in question could have been unloaded and stacked, and accordingly he opposes the prayer for bail of the petitioners.

5. Considering the submissions of the learned counsels for the parties, nature of allegations, the circumstances appearing and the seriousness and gravity of the offences, while this court is not inclined to grant anticipatory bail, it is directed that, in the event the Petitioners surrender and move for bail before the learned S.D.J.M., Sambalpur in the aforesaid G.R. Case within a period of three weeks from today, they shall be allowed to go on bail on such terms and conditions as would be deemed just and proper by the said court, but subject to the following further conditions –

- (i) The Petitioners shall appear before the I.O. and shall cooperate with the investigation as and when required;
- (ii) They shall appear in person before the trial court on each date of posting of the case unless specifically exempted by the court concerned.
- (iii) They shall give an undertaking that they shall not utilize their vehicles or the Factory for the purpose of any such illegal activities of similar nature to the present case in any manner whatsoever, while on bail.

(iv) They shall not also indulge in any other offence or criminal activities of similar nature to the present case in any manner whatsoever, while on bail.

(v) Violation of any of the conditions shall entail cancellation of bail of the Petitioners.

6. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge

S.K. Parida

