

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16434 of 2021

1. Minati Pal

2. Sapan Kumar Panda **Petitioners**

Mr.J.K. Majhi, Advocate

-versus-

State of Odisha

.... **Opp. Party**

*Mr.D.K. Pani,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
25.01.2022**

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 Cr.P.C. for grant of anticipatory bail to the petitioners in connection with Baliapal P.S. Case No.233 of 2021 corresponding to C.T. Case No.756 of 2021 pending before the learned J.M.F.C., Basta for commission of alleged offences under section 379/34 of the Indian Penal Code and section 51 of the Odisha Minor Mineral Concession Rules.

Learned counsel for the petitioners submitted that it is a case where accusation has been leveled

that petitioner no.2, who was the driver of the tractor, was illegally taking sand from the river bed in the tractor and petitioner no.1 is the registered owner of the said vehicle and the offences are triable by Magistrate and therefore, the prayer for anticipatory bail may be favourably considered.

Learned counsel for the State opposed the prayer for anticipatory bail.

Considering the submissions made by the learned counsel for the respective parties, nature of accusation against the petitioners, since the offences are triable by Magistrate, I am inclined to release the petitioners on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioners in connection with the aforesaid case, they shall be released on bail on furnishing bail bond of Rs.10,000/-(rupees ten thousand) each with two sureties each for the like amount to the satisfaction of the arresting officer with further conditions that they shall make themselves available for interrogation by the I.O. as and when required and they 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 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

PKSahoo

