

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16554 of 2021

Sinu @ Mansan Nayak* *Petitioner

Mr. B.K. Nayak, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. J.P. Patra,
Addl. Standing Counsel*

CORAM:

JUSTICE S.K. SAHOO

ORDER

24.01.2022

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.654 of 2021 arising out of Pipili P.S. Case No.459 of 2021 pending in the Court of learned J.M.F.C., Pipili for alleged commission of offence under section 379 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the petitioner submitted that relating to the commission of theft of one CBZ Xtreme motorcycle, the present case was instituted against unknown person and during course of

investigation, the said motorcycle was seized from the possession of one Bangei @ Suryakanta Majhi and basing on his confessional statement, the petitioner has been arrayed as an accused and since the offence is triable by Magistrate, the anticipatory bail application of the petitioner may be favourably considered.

Learned counsel for the State submitted that there is another case against the petitioner.

Learned counsel for the petitioner submitted that the F.I.R. of the said case is under Annexure-2, which is also registered under Magistrate triable offences.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner and since the offence is triable by Magistrate and the stolen motorcycle has already been recovered from the co-accused, 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 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.

RKM

