

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16670 of 2021

Anil Kumar Jena **Petitioner**

Mr. A. Pati, Advocate

-versus-

State of Odisha **Opp. Party**

Mr. A.K. Beura,
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 C.T. Case No.492 of 2021 arising out of Khuntuni P.S. Case No.145 of 2021 pending in the Court of learned S.D.J.M., Athagarh for alleged commission of offences under sections 379/411/34 of the Indian Penal Code read with section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957.

Perused the F.I.R.

Learned counsel for the petitioner submitted that one pick up van bearing registration no.OD-05-AH-8087 loaded with coal was seized and co-accused Rajanikanta Muduli was present in the vehicle and on the basis of his confessional statement before police, the petitioner, who is the registered owner of the vehicle has been arrayed as an accused. He further submitted that the offences are triable by Magistrate and therefore, the anticipatory bail application of the petitioner may be favourably considered.

Learned counsel for the State submitted that the petitioner is the brother-in-law of the co-accused Rajanikanta Muduli.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner and since the implication of the petitioner is based on the confessional statement of co-accused and the fact that 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 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

