

ABLAPL No.1538 of 2019

04. 30.04.2019

The petitioner in this case having been implicated in Hemagiri P.S. Case No.7 of 2019 corresponding to G.R. Case No.31 of 2019, pending in court of the learned S.D.J.M.(S), Sundargarh for alleged commission of offence punishable under Section 379/34 of I.P.C. and Section 21 of the MM(DR) Act, has filed this petition for his release on pre-arrest bail.

Heard learned counsel for the petitioner and learned counsel for the State.

It appears that a Bolero bearing registration No.OD-15A-5992 while transporting the illegal coal was intercepted by the police personnel of Hemagiri Police Station. The present petitioner is neither the owner nor the driver of the said vehicle. The implication of the petitioner in this case is on the basis of confession of co-accused. Investigation in this case has substantially progressed. No custodial interrogation of the petitioner is essential in this case for further investigation as submitted by the learned counsel for the State. Nothing is there on record indicating the fact that the petitioner shall abscond and/or tamper with the prosecution evidence, if released on pre-arrest bail.

Therefore, regard being had to the aforesaid facts and submissions made, especially the nature of accusation, character of supportive materials appearing against the petitioner in support of the charge, circumstances in which the offences alleged to have been committed, factum of substantial progress in the investigation, punishment provided on conviction, also

the fact that no custodial interrogation of the petitioner is essential in this case for further investigation as submitted by the learned counsel for the State and hardly any material being there to suggest that the petitioner shall abscond or tamper with the prosecution evidence, if allowed to go on pre-arrest bail, I am of the view that this is a fit case to enlarge the petitioner on pre-arrest bail.

Hence, this Court directs that in the event of arrest of the petitioner in connection with the aforesaid case, he be released on bail by the Arresting Officer on such terms and conditions as he may deem just and proper.

However, the aforesaid order is subject to the condition that the petitioner shall cooperate with the investigation and he was not involved in similar cases earlier.

Accordingly, the prayer for pre-arrest bail stands allowed and the ABLAPL is disposed of.

Issue urgent certified copy as per rules.

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S.Pujahari, J.

