

ABLAPL No.3469 of 2019

03. 30.04.2019

The petitioners in this case having been implicated in Talcher P.S. Case No.54 of 2019 corresponding to G.R. Case No.215 of 2019, pending in court of the learned S.D.J.M., Talcher for alleged commission of offence punishable under Section 379/34 of I.P.C., have filed this petition for their release on pre-arrest bail.

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

It appears that a truck bearing registration No.OD-05AC-7729 while transporting the illegal coal was intercepted by the police personnel of Talcher Police Station. The present petitioner no.1 is the Manager and petitioner no.2 is the owner of the said truck. Investigation in this case has substantially progressed. No custodial interrogation of the petitioners 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 petitioners 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 petitioners 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 petitioners 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 petitioners 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 petitioners on pre-arrest bail.

Hence, this Court directs that in the event of arrest of the petitioners in connection with the aforesaid case, they 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 petitioners shall cooperate with the investigation and they were 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.

