

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2538 of 2022

Jitrai Hembram

....

Petitioner

Mr. Bidyalok Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Shashanka Patra, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

16.08.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 120-B/420/468/471/34, I.P.C. & Section 12 of Mines & Minerals (Prevention of theft, smuggling activities) Act, 1989.
4. Considering the nature of allegation, gravity of the offence and facts of the case, although I am not inclined to grant anticipatory bail to the Petitioner, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned S.D.J.M., Talcher in G.R. Case No.499 of 2022 corresponding to Colliery P.S. Case No.100 of 2022 within a period of three weeks from today, the Petitioner shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper in the facts and

circumstances of the case, but subject to verification of criminal antecedents of the Petitioner. If it is found that there is more than one criminal antecedent against the Petitioner, then this bail order shall stand automatically revoked.

Further, while imposing conditions for bail, learned Magistrate shall also impose additional condition that the Petitioner shall furnish an undertaking that the vehicle in question shall not be used again in similar nature of offence.

Violation of any of the conditions shall entail cancellation of bail of the Petitioner.

5. The ABLAPL is disposed of accordingly.
6. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge