

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3842 of 2022

Sonu @ Sanu Swain

....

Petitioner

Mr. Soubhagya Ranjan Jena, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Shashanka Patra, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

13.09.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners as well as learned Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offences punishable under Sections 341/323/324/379/34, I.P.C. read with Section 25 of Arms Act.
4. It is submitted by learned counsel for the Petitioner that the co-accused persons standing in similar footing have been released on bail by this Court vide order dated 17.05.2022 passed in ABLAPL No.3840 of 2022.
5. Learned counsel for the State on the other hand submits that the Petitioner has one more Criminal Antecedent similar to the present case.

6. Considering such submission, seriousness and gravity of the offence as alleged and the facts of the case, although this Court is 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., Puri in G.R. Case No.577 of 2022 corresponding to Penthakata Marine P.S. Case No.26 of 2022 within a period of three weeks from today, he 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. In the event it is found that there is more than one criminal antecedent against the Petitioner, then this bail order shall stand revoked automatically.

While imposing conditions for bail, learned Magistrate shall also impose the following additional conditions –

- (i) The Petitioner shall furnish cash security of Rs.5,000/- (Rupees Five Thousand) to the satisfaction of the learned court in seisin over the matter, and that amount shall be subject to the final order to be passed by the learned trial court.

7. The ABLAPL is disposed of accordingly.

8. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge