

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3875 of 2022

Santosh Ku. Swain

....

Petitioner

Mr. A.S. Paul, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

24.08.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
 3. This is an application under Section 438, Cr.P.C. filed by the petitioner for anticipatory bail.
 4. The petitioner is seeking pre-arrest bail in connection with G.R. Case No.495 of 2022, arising out of Khordha P.S. Case No.155 of 2022 pending in the court of learned S.D.J.M., Khordha for commission of offence punishable under Sections 353/307/341/506/379/34, I.P.C.
 5. It is submitted by learned counsel for the petitioner that the petitioner is the owner of the JCB which was engaged for excavating laterite stones and he does not have any criminal antecedents. It is further submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case and he was not present at the spot.

6. Learned counsel for the State, on the other hand, submits that the petitioner along with others assaulted the police personnel, who had gone to the spot.

7. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioner. However, it is directed that in the event the petitioner surrenders before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, he shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that :-

- I. The petitioner shall not indulge similar criminal activities while on bail;
- II. he shall appear before the concerned Police Station once in a fortnight preferably on Sunday in between 10 A.M. to 1 P.M. till conclusion of investigation.

Violation of any of the terms and conditions shall entail cancellation of bail.

8. Further, it is directed that the petitioner shall give an undertaking before the learned court below that while releasing on bail, he will ensure that the JCB will not involve in similar nature of offences failing which this order shall stand automatically revoked.

9. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge

