

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.4927 of 2022

Wakat Ali

.... ***Petitioner***
Mr. P.K. Jena, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. S.K. Patra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

26.08.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioner and learned 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 C.T. Case No.787 of 2021, arising out of Baliapal P.S. Case No.243 of 2021 pending in the court of learned J.M.F.C., Basta for commission of offence punishable under Sections 379/411/34, I.P.C. read with Section 11(a)(d) and (e) of Prevention of Cruelty to Animal Act.
 5. It is submitted by learned counsel for the petitioner that the name of the petitioner has not been shown in the F.I.R. He further submits that the petitioner does not have any criminal antecedents of similar nature.
 6. 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 and moves an application for bail 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 cooperate with the Investigating Officer as and when required for the purpose of investigation;
- II. While on bail, he shall not indulge in similar criminal activities;
- III. he shall not threaten, harass and terrorize the informant and her /his family members in any manner whatsoever; and
- IV. he shall not default in attendance of the court during trial on each date of posting.

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

7. It is further directed that the bail granted to the petitioner is subject to the condition that learned court below shall verify whether the petitioner has any criminal antecedents of similar nature. In the event it is found that the petitioner has any criminal antecedents of similar nature, this bail order shall automatically stand revoked.

8. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge