

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.5613 of 2022

Manash @ Manas Naik & Others ***Petitioners***
Mr. Sujit Kumar Das, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. Shashank Patra, A.S.C.

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
22.08.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 341/323/294/427/395/506, I.P.C. and Section 3 of the Public Property (Prevention of Damage) Act, 1985.
4. It is submitted by learned counsel for the Petitioners that investigation has been completed and charge-sheet has been filed in the case. He further submits that the stolen articles have already been recovered. He also submits that, so far as the present Petitioners are concerned, there is no criminal antecedent of similar nature against the Petitioners.

5. Considering the seriousness of the allegation, gravity of the offence and the facts of the case, although I am not inclined to grant anticipatory bail to the Petitioners, however it is observed that, in the event the Petitioners surrender and move for bail before the learned S.D.J.M., Hindol in G.R. Case No.204 of 2022 corresponding to Rasol P.S. Case No.80 of 2022 within a period of three weeks from today, they 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 antecedent of the Petitioners. If it is found that there is more than one criminal antecedent of similar nature against the petitioners, then this bail order shall stand automatically revoked.

6. The ABLAPL is disposed of accordingly.

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

(A.K. Mohapatra)
Judge