

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6440 of 2022

Amiya Kumar Mohapatra

....

Petitioner

Mr. C. Rout, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

29.07.2022

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.759 of 2022, arising out of Colliery P.S. Case No.161 of 2022 pending in the court of learned S.D.J.M., Talcher for commission of offence punishable under Sections 120-B/420/468/471, I.P.C. read with Section 12 of Orissa Mines and Mineral (Prevention of Theft & smuggling Activities) Act, 1989.
 5. It is submitted by learned counsel for the petitioner that the petitioner is the owner of the truck and the said truck has been engaged on contractual basis in the mines area for carrying some coal. The truck was intercepted by the police team whereafter the

driver fled away from the spot. It is also submitted that the petitioner does not have any criminal antecedents.

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 surrender 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.

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