

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6544 of 2022

Rilia @ Dhanjaya Patra

....

Petitioner

Mr. Deepak Ku Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Shashanka Patra, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

17.10.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
 3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Section 407, I.P.C.
 4. It is submitted by learned counsel for the Petitioner that the stolen wheat has already been recovered in the meantime from another Mill. He further submits that the Petitioner is the driver of the vehicle and he was acting on the basis of the instruction received from the truck owner.

Learned counsel for the State on the other hand submits that earlier the present petitioner was involved in another similar offence.

Therefore, on such ground, learned counsel for the State opposes to the release of the Petitioner on anticipatory bail at this stage.

5. However, considering the fact that the wheat has been recovered in the meantime and considering the fact that the petitioner is a driver of the vehicle in question, although I am 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 J.M.F.C., Chandikhol in C.T. Case No.194 of 2022 corresponding to Badachana P.S. Case No.41 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 furnishing cash security of Rs.3,000/- (Rupees Three Thousand) by the Petitioner to the satisfaction of the learned court in seisin over the matter, which shall be kept in an interest bearing account of a nationalized bank and the said amount shall be subject to the outcome of the trial.

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

- (i) The Petitioner shall appear before the I.O. and shall cooperate with the investigation as and when required.
- (ii) He shall not indulge in any other crime of similar nature to the present case in any manner, while on bail.
- (iii) He shall appear before the trial court on each date of trial, without fail.

Violation of any of the conditions shall entail cancellation of bail of the Petitioner.

6. The ABLAPL is disposed of accordingly.
7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge

S.K.Parida

