

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6890 of 2022

Anil Kumar Sethi

.... ***Petitioner***
Mr. Ronit Ghosh, *Advocate*

-versus-

State of Odisha

.... ***Opp. Party***
Mr. P. Tripathy, *A.S.C.*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

18.07.2022

Order No.

- 01.
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 seeking pre-arrest bail in connection G.R. Case No.939 of 2022, arising out of Kaniha P.S. Case No.104 of 2022 pending in the court of learned S.D.J.M., Talcher for commission of offence punishable under Sections 379/34, I.P.C. read with Section 12 of the Orissa Mines and Minerals (Prevention of Theft and Smugg Activities) Act, 1989.
 5. Considering the nature of allegations and taking into account that even though, F.I.R. was lodged by the I.I.C. Kaniha Police Station. It is submitted by learned counsel for the petitioner that on the date of the alleged occurrence, the accused persons fled away from the spot and the police party apprehended six persons. It is further submitted that

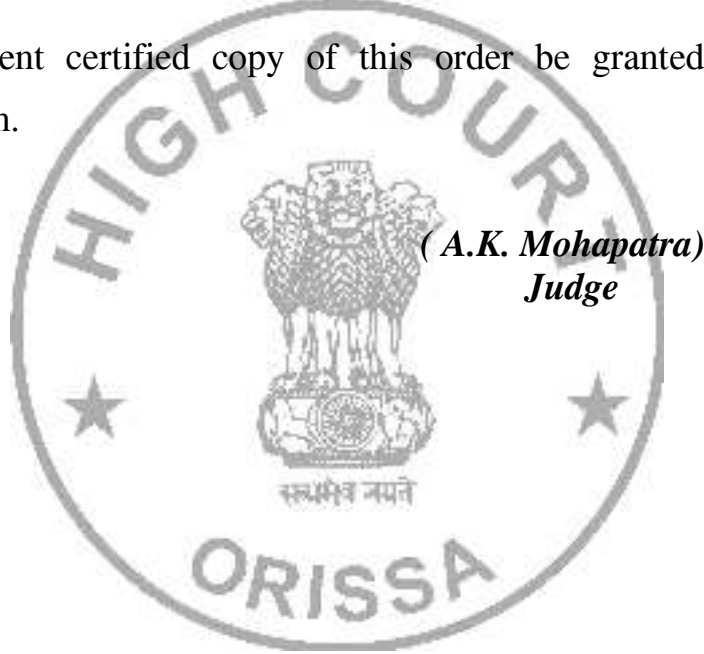
neither the petitioner was present at the spot nor any incremental articles was seized from the possession of the petitioner and that a false case has been lodged by the police against the petitioner.

6. Taking into consideration 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, he shall be released on bail on such terms and conditions as would be deemed just and proper.

7. Accordingly, the ABLAPL is disposed of.

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

Jagabandhu



(*A.K. Mohapatra*)
Judge