

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7372 of 2022

Khurban Khan @ Khruban Khan @ ***Petitioners***
Kurban Khan @ Biju

Mr. S. Dash, Advocate

-versus-

State of Odisha

Opp. Party
Mr. S. Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
20.07.2022

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 with G.R. Case No.1558 of 2022, arising out of Buruna Bazar P.S. Case No.138 of 2022 pending in the court of learned S.D.J.M., Bhadrak for commission of offence punishable under Sections 379/411/34, I.P.C.
5. It is submitted by learned counsel for the petitioner that the petitioner has theft electric wire and he fled away from the spot and that the petitioner has been arrayed as an accused in the present case. It is further 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, 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, 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.

Jagabandhu

