

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7392 of 2022

***Brijmohan @ Brij Mohan
Toshniwal***

....

Petitioner

Mr. Biswajit Nayak, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. S. Patra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

05.09.2022

Order No.

- 03.
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.393 of 2022, arising out of Bonai P.S. Case No.103 of 2022 pending in the court of learned S.D.J.M., Bonai for commission of offence punishable under Sections 379/34, I.P.C. read with Sub-section 1 of Section 21 of Orissa Mines and Minerals (Development and Regulation) Act, 1957.
 5. It is submitted by learned counsel for the petitioner that as per direction of this Court vide order dated 20.07.2022, the petitioner was directed to cooperate with the Investigating Officer as and when required for the purpose of the investigation. Pursuant to the

direction of this Court, the petitioner appeared before the Investigating Officer and produced the documents in support of his contentions.

6. It is submitted by learned counsel for the State that the petitioner does not have any criminal antecedents.

7. 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 surrenders and moves an application for bail 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 with further conditions that :

- I. The petitioner shall cooperate with the Investigating Officer as and when required for the purpose of investigation;
- II. he shall not default in attendance of the court during trial on each date of posting; and
- III. while on bail, he shall not indulge in similar criminal activities.

Violation of any of the terms and conditions shall entail cancellation of bail.

7. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge