IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7667 of 2022

Tunia @ Prakash Naik .... ***Petitioner***

Mr. Suryakant Dwibedi, Advocate

-versus-

State of Odisha .... ***Opposite Party***

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

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
21.07.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the Petitioner and learned 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 offences punishable under Sections 379/411/34, I.P.C.

4. Learned counsel for the Petitioner submits that the Petitioner has been implicated in this case on the basis of the statement of the co-accused persons. He further submits that the Petitioner has not been named in the F.I.R. and the stolen articles have been recovered from the co-accused persons. He also submits that investigation has been concluded and charge-sheet has already been filed in the case.

5. Considering the aforesaid submission, nature of allegation, gravity of the offence and the facts 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 before the learned S.D.J.M., Kamakhyanagar in G.R. Case No.566 of 2020 corresponding to Kamakhyanagar P.S. Case No.337 of 2020 within a period of three weeks from today, the Petitioner 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. While imposing conditions, the learned court below shall also impose the condition whereby the Petitioner shall appear before the concerned Police Station once in every fortnight till conclusion of trial. Further, the release of the Petitioner shall be subject to the verification of the criminal antecedent. In the event it is found that the Petitioner has similar other criminal antecedents, then this bail order shall stand invoked automatically.

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