

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7730 of 2022

Brundaban Guru

....

Petitioner

Mr. Ramani Kanta Pattanaik, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.C. Das, A.S.C.

**CORAM:
JUSTICE A.K.MOHAPATRA**

ORDER

12.10.2022

Order No.

02. I.A. No.1142 of 2022

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This I.A. has been filed seeking modification of the order dated 21.07.2022 passed in ABLAPL No.7730 of 2022.
3. Heard learned counsels for the parties.
4. Considering the submission of learned counsel for the Petitioner, the order dated 21.07.2022 passed in ABLAPL No.7730 of 2022 is hereby recalled, and the following order is passed afresh –
5. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 379/411/341/294/353/34, I.P.C. and Section 51 of Odisha Minor Minerals Concession Rules, 2016 and Section 27 of the Arms Act.

6. Considering the seriousness of the allegation, gravity of the offence and the facts of the case, 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 S.D.J.M., Khordha in G.R. Case No.969 of 2022 corresponding to Khordha P.S. Case No.107 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 verification of the Criminal Antecedents of the Petitioner. If it is found that there is more than one criminal antecedent of similar nature against the Petitioner, then this bail order shall stand automatically revoked. The release of the petitioner shall also be subject to furnishing cash security of Rs.5,000/- (Rupees five thousand) by the Petitioner to the satisfaction of learned court in seisin over the matter.

The Case Diary and Criminal Antecedent Report of the Petitioner be made available to the learned Magistrate for consideration of the bail application of the Petitioner on the date of his surrender.

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 by the I.O.;
- (ii) He shall not indulge in any other offence of similar nature in any manner again, while on bail.

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

7. The ABLAPL and the I.A. are disposed of accordingly.
8. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge

S.K.Parida

