

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8101 of 2022

Sultan Mohammad

....

Petitioner

Mr. D.R. Bhokta, Advocate

-versus-

State of Odisha

....

Opp. Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

26.08.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner and learned 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.1189 of 2022, arising out of UPD, Cuttak Sadar P.S. Case No.209 of 2022 pending in the court of learned J.M.F.C., Rural, Cuttack for commission of offence punishable under Section 394, I.P.C.
5. It is submitted by learned counsel for the petitioner that F.I.R. has been lodged against unknown persons and the stolen vehicle has already been recovered on the same day at Bhubaneswar in front of the house of the present petitioner. Further it is submitted by learned counsel for the petitioner 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 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, the petitioner 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.

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

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 of similar nature, 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.

(A.K. Mohapatra)
Judge