

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL No.8606 of 2022**

|                                        |          |                                 |
|----------------------------------------|----------|---------------------------------|
| <b><i>Md. Arif Aziz @ Md. Arif</i></b> | ....     | <b><i>Petitioner</i></b>        |
|                                        |          | <i>Mr. S.S. Ray-2, Advocate</i> |
|                                        | -versus- |                                 |
| <b><i>State of Odisha</i></b>          | ....     | <b><i>Opp. Party</i></b>        |
|                                        |          | <i>Mr. P.C. Das, A.S.C.</i>     |

**CORAM:**

**JUSTICE A.K. MOHAPATRA**

**ORDER**

**17.08.2022**

**Order No.**

02.

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

Learned counsel for the petitioner is permitted to make necessary corrections in the cause title of the bail application so far as the name of the petitioner is concerned in Court today.

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.321 of 2011, arising out of Chandiposh P.S. Case No.34 of 2011 pending in the court of learned S.D.J.M., Bonai for commission of offence punishable under Section 395, I.P.C. read with Section 25 of the Arms Act.

5. It is submitted by learned counsel for the petitioner that in the meantime, investigation has already concluded and charge-sheet has been submitted. Further learned counsel for the petitioner submits

that besides two cases, petitioner does not have any other case against him.

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, he shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that while on bail, petitioner shall not indulge in similar criminal activities.

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 more than two criminal antecedents of similar nature. In the event it is found that the petitioner has more than two 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**