

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8987 of 2022

Sk. Wasim Sikandar & another **Petitioners**
Mr. Jyotirmaya Sahoo, Advocate

-versus-

State of Odisha **Opposite Party**
Mr. M.K. Mohanty, A.S.C.

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
03.08.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 379/120-B/34, I.P.C. read with Section 12 of Orissa Mines & Minerals (Prevention of Theft of Smuggling Activities) Act, 1989 and Section 51 of Orissa Minor Minerals Concession Rules, 2004.
4. Considering the nature of allegation, gravity of the offence and facts of the case, although I am not inclined to grant anticipatory bail to the Petitioners, however it is observed that, in the event the Petitioners surrender before the learned S.D.J.M., Khurda in G.R. Case No.1147 of 2022 corresponding to Khurda Model P.S. Case No.348 of 2022 within a period of three weeks from today, the Petitioners 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 criminal antecedents of the Petitioners. If it is found that there are more than one criminal antecedents of similar nature against the Petitioners, then also this bail order shall stand automatically revoked.

5. The ABLAPL is disposed of accordingly.
6. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge

S.K.Parida

