

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9569 of 2022

Kalu Jena @ Narendra Jena

....

Petitioner

Mr. J. Sahoo, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

11.08.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner and learned 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.1236 of 2022, arising out of Jankia P.S. Case No.272 of 2022 pending in the court of learned S.D.J.M., Khurda for commission of offence punishable under Sections 379/34, I.P.C. read with Section 21 of Orissa Mines and Mineral (Prevention of Theft Sumgg. Activities) Act and Section 51 of Orissa Mines and Minerals Concession Rules, 2004.
5. It is submitted by learned counsel for the petitioner that the petitioner is the owner of the vehicle in which the literate stone was transported illegally. It is further submitted by learned counsel for

the petitioner that the petitioner has no knowledge about the authenticity of the transaction and he is running the vehicle on hired basis for transportation. It is also submitted 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 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.

7. Further, it is directed that the petitioner shall give an undertaking before the learned court below that while releasing on bail, he will ensure that the vehicle will not involve in similar nature of offences failing which this order shall automatically be revoked.

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

8. 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.

9. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge

