

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9776 of 2022

Madhab Prasad Mohanty and others ***Petitioners***

Mr. S.K. Dash, Advocate

-versus-

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

16.08.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.
4. The petitioners are seeking pre-arrest bail in connection with G.R. Case No.1163 of 2022, arising out of Jankia P.S. Case No.259 of 2022 pending in the court of learned S.D.J.M., Khorda for commission of offence punishable under Sections 379/511/120-B/34, I.P.C. read with Section 51 of Orissa Minerals Concession Rules, and Section 12 of the Odisha Mines and Mineral (Prevention of Theft Smuggling and Unlawful Activities) Act, 1988.
5. It is submitted by learned counsel for the petitioners that the petitioner no.5-Ramesh Chandra Maharathi is the owner and others labourers, who were engaged for operating laterite stones and they do 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 petitioners. However, it is directed that in the event the petitioners surrender before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, they shall be released on bail on such terms and conditions as would be deemed just and proper.

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

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

8. It is open for the learned court below, if the petitioner fails to appear in court, then the learned court below shall proceed against the petitioner in accordance with law.

9. Accordingly, the ABLAPL is disposed of.

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

(**A.K. Mohapatra**)
Judge