

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9848 of 2022

Birat Narendra

.... ***Petitioner***
Mr. A.S. Paul, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. S. Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

17.08.2022

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.1242 of 2022, arising out of Jankia P.S. Case No.273 of 2022 pending in the court of learned S.D.J.M., Khurda for commission of offence punishable under Sections 379/120-B/34, I.P.C. read with Section 12 of Orissa Mines and minerals (Preven. of Theft Sumgg. Activities) Act. 1989 and Section 51 of Orissa Minerals Concession Rules, 2004.
5. It is submitted by learned counsel for the petitioner that the petitioner is the owner of the JCB which was engaged for transporting laterite stones and he 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 given an undertaking before the learned court below that while releasing on bail, he will ensure that the JCB 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 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. 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.

10. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge