

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9893 of 2022

Sk. Gayasuddin @ Khan

....

Petitioner

Mr. A.N. Samantaray, Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER
22.08.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 341/323/324/427/379/34, I.P.C.
4. It is submitted by learned counsel for the Petitioner that the present was not present at the spot of occurrence. But, on the basis of the statement of the co-accused, the Petitioner apprehends arrest in the present case. Further it is stated that the Petitioner does not have any criminal antecedent in his name.
5. Considering the nature of the allegation, gravity of the offence and the 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 and move for bail before the learned J.M.F.C., Tirtol in G.R. Case No.09 of 2021 corresponding to Tirtol P.S. Case No.02 of 2021 within a period of three weeks from today, he 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 antecedent of similar nature against the Petitioner. If it is found that there is more than one criminal antecedent of similar nature against the Petitioner, then this bail order shall stand automatically revoked.

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

(A.K. Mohapatra)
Judge

S.K.Parida

