

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10042 of 2022

Bhimasen Subudhi

....

Petitioner

Mr. S.K. Bhanjadeo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

07.09.2022

Order No.

02. **I.A. No.1343 of 2022**

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 379/411/120-B/34, I.P.C. and Section 12 of Orissa Mines & Minerals (Prevention of Theft Smuggling Activities) Act, 1989 and Section 51(ii) of Odisha Minor Minerals Concession Rules, 2004.
4. Considering the seriousness of the allegation, gravity of the offence and the facts of the case, although I am not inclined to grant anticipatory bail to the Petitioner, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned S.D.J.M., Khurda in G.R. Case No.1272 of 2022 corresponding to

Khurda Sadar P.S. Case No.143 of 2022 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 Antecedents of the Petitioner. In the event it is found that there is more than one criminal antecedent against the Petitioner, then this bail order shall stand automatically revoked.

5. The ABLAPL and the I.A. are disposed of accordingly.
6. Urgent certified copy of this order be granted as per rules.



S.K.Parida