

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10096 of 2022

Tofan Udayasingh & Others ***Petitioners***
Mr. Jyotirmaya Sahoo, Advocate

-versus-

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

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
25.08.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 379/411/34, I.P.C. read with Section 12 of Orissa Mines & Minerals (Prevention of Theft, Smuggling Activities) Act, 1989 and Section 51 of Orissa Minor Minerals Concession Rules.2004.
4. Considering the nature of the allegation, gravity of the offence and 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 S.D.J.M., Khurda in G.R. Case No.1235 of 2022 corresponding to Jankia P.S. Case No.271 of 2022 within a period of three weeks from today, they 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 against the Petitioners. If it is found that there is more than one criminal antecedent of similar nature against the Petitioners, then this bail order shall automatically stand revoked.

While imposing conditions for bail, learned Magistrate shall also impose the conditions whereby the Petitioners shall not indulge in similar offence again, while on bail, and they shall not allow the vehicle in question to be used in such illegal /criminal activities.

Violation of any of the conditions shall entail cancellation of bail of the Petitioners.

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

(A.K. Mohapatra)
Judge