

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL No.10497 of 2022**

***Trinath Chhotaray & another*** .... ***Petitioners***  
*Mr. Rohit Ranjan Ray, Advocate*

*-versus-*

***State of Odisha*** .... ***Opposite Party***  
*Mr. Shashank Patra, A.S.C.*

**CORAM:**  
**JUSTICE A.K.MOHAPATRA**

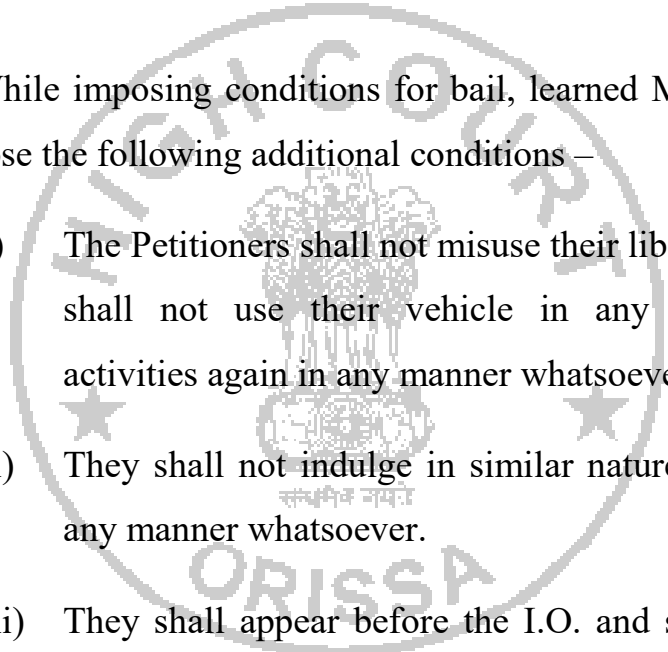
**ORDER**  
**06.09.2022**

**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 OMPTS Act and Section 51 of the OMMC Rules.
4. Learned counsel for the Petitioners submits that the Petitioners are the owner of the vehicle in question and they had no knowledge of their vehicle being used in illegal activities of the present case.
5. 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 Petitioners, however it is observed that, in the

event the Petitioners surrender and move for bail before the learned S.D.J.M., Khordha in G.R. Case No.1279 of 2022 corresponding to Jankia P.S. Case No.289 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 of the Petitioners. In the event it is found that there is more than one criminal antecedent of similar nature against the present Petitioners, then this bail order shall stand automatically revoked.

While imposing conditions for bail, learned Magistrate shall also impose the following additional conditions –

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- (i) The Petitioners shall not misuse their liberty of bail and shall not use their vehicle in any such criminal activities again in any manner whatsoever;
  - (ii) They shall not indulge in similar nature of offence in any manner whatsoever.
  - (iii) They shall appear before the I.O. and shall cooperate with the investigation as and when required.

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

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

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