

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10586 of 2022

Lipun Kumar Das

.... ***Petitioner***
Ms. Aditi Hota, Advocate

-versus-

State of Odisha and another

.... ***Opp. Parties***
Mr. P.C. Das, 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 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 C.T. Case No.316 of 2022, arising out of Karanjia P.S. Case No.194 of 2022 pending in the court of learned S.D.J.M., Karanjia for commission of offence punishable under Sections 379/120-B/34, I.P.C. read with Section 12 of OMMPTS Act.
5. It is submitted by learned counsel for the petitioner that the the petitioner is a driver. He further submits that the other of the vehicle has already been released on bail. Further it is contended by leaned counsel for the petitioner that the petitioner does not have any criminal antecedents.

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 and moves 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 with further conditions that :-

- I. The petitioner shall cooperate with the Investigating Officer as and when required for the purpose of investigation;
- II. he shall not default in attendance of the court during trial on each date of posting; and
- III. he shall not indulge in similar criminal activities while on bail.

Violation of any of the terms and conditions shall entail cancellation of bail.

6. It is further directed that the bail granted to the petitioners is subject to the condition that learned court below shall verify whether the petitioners have any criminal antecedents of similar nature. In the event it is found that the petitioners have any criminal antecedents of similar nature, this bail order shall automatically stand revoked.

7. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge

