

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10596 of 2022

Subhakanta Pattnayak

....

Petitioner

Mr. Jayakrishna Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

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 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 279/379/411, I.P.C. read with Section 21 of MMDR Act.
4. Learned counsel for the Petitioner submits that the Petitioner is the owner of the vehicle in question. He further submits that the driver of the said Pick-up van has already been released on bail by this Court, vide order dated 15.07.2022 passed in ABLAPL No.7164 of 2022. Learned counsel for the Petitioner further submits that the Petitioner does not have any criminal antecedent of similar nature.
5. Considering such submission, 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 J.M.F.C., Aul in G.R. Case No.223 of 2022 corresponding to Rajkanika P.S. Case No.104 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. 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.

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

- (i) The Petitioner shall appear before the I.O. and shall cooperate with the investigation as and when required;
- (ii) He shall not indulge in similar nature of criminal activities any further or shall not use his vehicle for such purpose while on bail by virtue of this order;

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

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

(A.K. Mohapatra)
Judge