

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10684 of 2022

Arun Kumar Sethy

Petitioner
....
Mr. Sidhartha Das, Advocate

-versus-

State of Odisha

Opposite Party
....
Mr. Shashank Patra, A.S.C.

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
08.09.2022

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 379/120-B/34, I.P.C.
4. It is submitted by learned counsel for the petitioner that the Petitioner is the owner of the truck which was seized while transporting minerals illegally. He further submits that the driver of the truck, who is the co-accused in this case, has already been released on bail. Learned counsel for the Petitioner further submits that the Petitioner does not have any criminal antecedent of similar nature in his name.
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., Barbil in G.R. Case No.660 of 2022 corresponding to Bolani P.S. Case No.42 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 not indulge in similar nature of offence again and shall not also allow his vehicle to involve in similar nature of offence in any manner whatsoever, while on bail by virtue of this order;
- (ii) He 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 Petitioner.

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

(A.K. Mohapatra)
Judge