

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10765 of 2022

Bapi Nayak

Petitioner

....
Mr. Susanta Kumar Baral, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr. S.Mishra, A.S.C.

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

**ORDER
28.09.2022**

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner, learned Addl. Standing Counsel for the State. Perused the records.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 392 of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner has been implicated in this case on the basis of the statement of co-accused. He further submits that the vehicle of the Petitioner was used in the alleged crime. Therefore, he has been falsely implicated in this case. Further he submits that the Petitioner does not have similar criminal antecedents.
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 Petitioner, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned J.M.F.C., Gondia in G.R.Case No.14 of 2022 corresponding to Gondia P.S. Case No.08 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 similar nature. The Case Diary and Criminal Antecedents of the Petitioner be made available on the date of surrender.

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 by the I.O.;
- (ii) He shall appear before the trial court on each and every date fixed.

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