

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10850 of 2022

Nantu @ Shishir Jena

Petitioner

....
Mr. Chandan Samantaray, 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 399 and 402 of the Indian Penal Code read with Section 27 of the Arms Act and Section 4 & 5 of the Explosive Substances Act..
4. It is submitted by the learned counsel for the Petitioner that the allegation under the Arms Act and Explosives Act are not made out against the Petitioner. It is further submitted by the learned counsel for the Petitioner that the Petitioner was sitting there along with other persons. He further submits that the Petitioner has been falsely implicated in this case by the Police. He further submits that the Petitioner has two criminal antecedents, however the same are not similar in nature.

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 S.D.J.M., Balasore in C.T.Case No.742 of 2022 corresponding to Sahadevkhunta P.S. Case No.264 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. In the event the Petitioner has more than two criminal antecedents of similar nature, then this order shall not be given effect to.

6. The ABLAPL is disposed of accordingly.

7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge

RKS