

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11082 of 2022

***Ashutosh Mohanty @ Tubu
Mohanty***

....

Petitioner

Mr. Bidyalok Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K. Mohanty, A.S.C.

Mr. Abhas Mohanty, Adv. for Informant

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

**ORDER
14.09.2022**

Order No.

01. 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 and learned counsel for the Informant.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 147/341/323/294/307/427/506/385/149/435/436, I.P.C. and Section 4 of Public Property (Prevention of Damage) Act, 1995.
4. Mr. Abhas Mohanty, learned counsel for the Informant vehemently opposes to the release of the petitioner on bail.
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., Keonjhar in G.R. Case No.1677 of 2022 corresponding to Nayakote P.S. Case No.71 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 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 by the I.O.;
- (ii) He shall also appear before the concerned P.S. once in every fortnight till conclusion of the investigation;
- (iii) He shall not indulge in any other offence of similar nature in any manner while on bail by virtue of this order;
- (iv) He shall appear before the trial court on each date fixed for trial, without fail.

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