

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11109 of 2022

Dillip Mahakul & another ***Petitioners***
Aditi Hota, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. M.K. Mohanty, A.S.C.

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 Petitioners and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 52(a)(i) of Odisha Excise Act read with Sections 272/273/34, I.P.C.
4. 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 Petitioners, however it is observed that, in the event the Petitioners surrender and move for bail before the learned S.D.J.M., Pallahara in G.R. Case No.379 of 2022 corresponding to Khamar P.S. Case No.159 of 2022 within a period of three weeks from today, they 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 Petitioners. If it is found that there is more than one criminal antecedent of similar nature against the present Petitioners, then this bail order shall stand revoked automatically.

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

- (i) The Petitioners shall not indulge in any other offence of similar nature in any manner whatsoever while on bail by virtue of this order;
- (ii) They shall appear before the I.O. and shall cooperate with the investigation as and when required by the I.O.

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

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

(A.K. Mohapatra)
Judge