

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11494 of 2022

Soleman Khan & another

Petitioners

....
Mr. Satyanarayan Mishra (4), Advocate

-versus-

State of Odisha

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

Mr. S.Patra, A.S.C.

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

**ORDER
19.09.2022**

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners, learned Addl. Standing Counsel for the State. Perused the records.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 279, 353, 307, 379, 411/34 of the Indian Penal Code read with Section 11(1) of Prevention of Cruelty to Animals Act, 1990 and Section 7 of Orissa Prevention of Cow Slaughter Act, 1960.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner has one criminal antecedent of similar 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 Petitioners, however it is observed that, in the event the Petitioners surrender and move for bail before the learned

J.M.F.C., Soro in C.T. Case No.220 of 2022 corresponding to Simulia P.S. Case No.73 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 antecedent of similar nature.

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

- (i) The Petitioners shall appear before the I.O. and shall cooperate with the investigation as and when required by the I.O.;
- (ii) They shall not indulge in similar nature of offence while on bail.
- (iii) They also shall not allow their vehicle to be used in similar nature of offence.

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