

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11530 of 2022

Kasimuddin Khan

....

Petitioner

Mr. Sarada Prasad Dash, Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

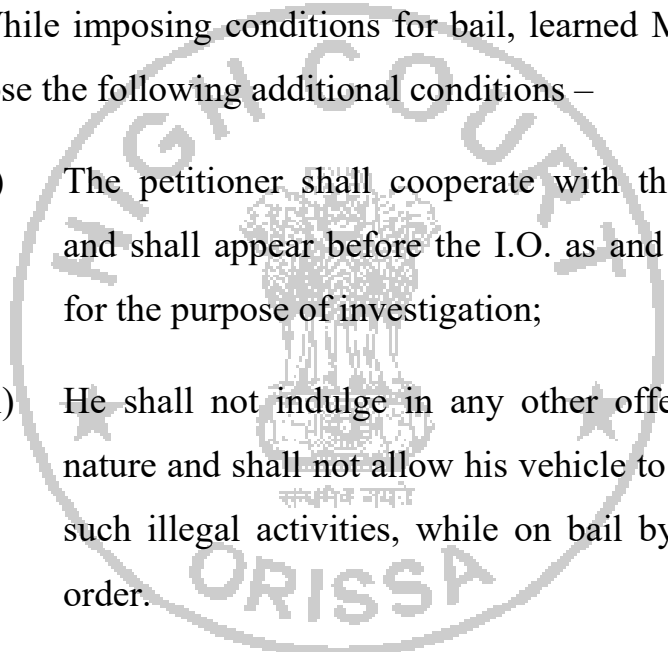
19.09.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 279/353/307/379/411/34, I.P.C. and Section 11(1)(a)(d) of the Prevention of Cruelty to Animals Act, 1960 and Section 7 of the Prevention of Cow Slaughter Act, 1980.
4. It is submitted by learned counsel for the Petitioner that the Petitioner is the owner of the vehicle, in which the cattle were being illegally transported. He further submits that the present Petitioner has one Criminal Antecedent of similar nature in his name.
5. Considering such submission, 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., Soro in C.T. Case No.46 of 2021 corresponding to Simulia P.S. Case No.14 of 2021 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 the Petitioner furnishing cash security of Rs.5,000/- (Rupees five thousand) to the satisfaction of the learned court in seisin over the matter.

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

- 
- (i) The petitioner shall cooperate with the investigation and shall appear before the I.O. as and when required for the purpose of investigation;
 - (ii) He shall not indulge in any other offence of similar nature and shall not allow his vehicle to be used in any such illegal activities, while on bail by virtue of this order.

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