

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11557 of 2022

Gouranga Sahoo

.... ***Petitioner***
Mr. A.S. Paul, Advocate

-versus-

State of Odisha

.... ***Opp. 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 Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioner for anticipatory bail.
4. The petitioner is seeking pre-arrest bail in connection with G.R. Case No.1418 of 2022, arising out of Bolagarh P.S. Case No.216 of 2022 pending in the court of learned S.D.J.M., Khurda for commission of offence punishable under Sections 379/411/34, I.P.C. read with Section 51(1) of Orissa Minor Minerals Concession Rules, 2004.
5. It is submitted by learned counsel for the petitioner that the petitioner is the owner of the vehicle which was engaged for transporting laterite stones and he does not have any criminal antecedents. It is further submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case

and he was not present at the spot.

6. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioner. However, it is directed that in the event the petitioner surrenders before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, he shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that :-

- I. The petitioner shall not indulge similar criminal activities while on bail; and
- II. he shall cooperate with the Investigating Officer as and when required for the purpose of investigation.

Violation of any of the terms and conditions shall entail cancellation of bail.

7. Further, it is directed that the petitioner shall give an undertaking before the learned court below that while releasing on bail, he will ensure that the vehicle will not involve in similar nature of offences failing which this order shall stand automatically revoked.

8. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge