

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11583 of 2022

Samit Naik

.... ***Petitioner***
Mr. P.S. Nayak, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. S. Mishra, 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.2119 of 2022, arising out of Talcher P.S. Case No.664 of 2022 pending in the court of learned S.D.J.M., Talcher for commission of offences punishable under Sections 379/120-B, I.P.C. read with Section 12 of the Odisha Minor Mineral (Prevention of Theft Smuggling Activities) Act.
5. 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 and moves an application for bail 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 cooperate with the Investigating Officer as and when required for the purpose of investigation; and
- II. while on bail, he shall not indulge in similar nature of criminal activities.

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

6. It is further directed that the bail granted to the petitioner is subject to the condition that learned court below shall verify whether the petitioner has any criminal antecedents of similar nature. In the event it is found that the petitioner has any criminal antecedents of similar nature, this bail order shall automatically stand revoked.

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