

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11586 of 2022

Abhimanyu Swain and another *Petitioners*
Mr. M.K. Chand, 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 petitioners and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.
4. The petitioners are seeking pre-arrest bail in connection with G.R. Case No.1102 of 2022, arising out of Baghamari P.S. Case No.83 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 21 of MMDR Act.
5. It is submitted by learned counsel for the petitioners that the petitioners are the driver and Helper of the vehicle which was engaged for transportation of laterite stones and they do not have any criminal antecedents. It is further submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case and they were 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 petitioners. However, it is directed that in the event the petitioners surrender and move 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, they shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that :-

- I. The petitioners shall not threaten, harass and terrorize the informant and her /his family members in any manner whatsoever;
- II. they shall cooperate with the Investigating Officer as and when required for the purpose of investigation; and
- III. they shall not indulge in similar nature of offence, while on bail.

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

7. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge