

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11597 of 2022

Sk.Sanjarul Ali

Petitioner

....
Mr. Akshaya Kumar Sahoo, Advocate

-versus-

State of Odisha

.... ***Opposite 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, learned Addl. Standing Counsel for the State. Perused the records.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 379, 411/34 of the Indian Penal Code read with Section 11 of Prevention of Cruelty to Animal Act.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is the owner of the vehicle in which cattle are being transported illegally. It is also submitted by the learned counsel for the Petitioner that the vehicle in question has already been seized and the cattle have been taken away by the villagers. On being asked, the learned counsel for the Petitioner submits that the Petitioner has one more criminal antecedents.

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 Petitioner, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned S.D.J.M., Rairakhol in G.R. Case No.549 of 2022 corresponding to Rairakhol P.S. Case No.193 of 2022 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 furnishing cash security of Rs.5000/- (Rupees Five thousand) which shall be kept in any Nationalised Bank in an interest bearing account in the name of the court in seisin over the matter.

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

- (i) The Petitioner shall appear before the I.O. and shall cooperate with the investigation as and when required by the I.O.;
- (ii) He shall not indulge in similar nature of offence while on bail.
- (iii) He also shall not allow his 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