

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11659 of 2022

Prasanna Kumar Jena

Petitioner

....
Mr. Jyotirmaya Sahoo, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

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

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
20.09.2022**

Order No.

04. 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.
4. 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 68 of Orissa Minor Minerals Concession Rules, 2004.
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 N.G.N.-cum-J.M.F.C., Tangi in G.R.Case No.445 of 2022 corresponding to Nirakarpur P.S.Case No.163 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.3000/- (Rupees Three 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 and subject to verification of criminal antecedents of similar nature against the Petitioner. It is made clear that if the Petitioner has more than one criminal antecedent, then this order shall not be given effect to.

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

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

- 6. The ABLAPL is disposed of accordingly.
- 7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge