

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11689 of 2022

Sk. Fakiruddin

.... ***Petitioner***
Mr. Pratik Dash, 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.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
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, I.P.C. and Section 11 of Prevention of Cruelty to Animals Act, 1990 and Section 7 of the Orissa Prevention of Cow Slaughter Act, 1980.
4. 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., Bhadrak in G.R. Case No.2409 of 2022 corresponding to Bhadrak Rural P.S. Case No.469 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 verification of Criminal Antecedents of the Petitioner. If it is found that there is more than one criminal antecedent of similar nature against the present Petitioner, then this bail order shall stand revoked automatically.

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

- (i) The Petitioner shall cooperate with the Investigation and shall appear before the I.O. as and when required for the purpose of investigation;
- (ii) He shall not indulge in any other offence of similar nature in any manner again, while on bail;

Violation of any of the conditions shall entail cancellation of bail of the Petitioner, and the learned court below may proceed against the Petitioner in accordance with law.

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

(A.K. Mohapatra)
Judge