

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11745 of 2022

Minacha Kadri

Petitioner

....
Mr. Bidyalok Mohapatra, Advocate

-versus-

State of Odisha

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

Mr. S.Patra, A.S.C.

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

**ORDER
21.09.2022**

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 120-B, 379 of the Indian Penal Code read with Section 12 of Mines and Mineral (Prevention of Theft Smuggling Activities) Act, 1989.
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., Talcher in G.R.Case No.2119 of 2022 arising out of Talcher P.S. Case No.664 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 a cash security of Rs.10,000/-(Rupees Ten 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 shall not allow his vehicle to be used in similar nature of offence while on bail.

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