

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11776 of 2022

Satyabrata Dhal & another ***Petitioners***
Mr. Pramod Kumar Jena, Advocate
-versus-
State of Odisha ***Opposite Party***
Mr. Shashanka 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 Petitioners and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 353/332/189/279/290/504/506/294/379/411/34, I.P.C. and Section 4 of P.D.P.P. Act and Section 51 of Odisha Minor Minerals Concession Rules, 2004.
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 Petitioners, however it is observed that, in the event the Petitioners surrender and move for bail before the learned J.M.F.C., Jaleswar in C.T. Case No.383 of 2022 corresponding to Jaleswar P.S. Case No.342 of 2022 within a period of three weeks from today, they 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 the Criminal Antecedents of the Petitioners. If it is found that there is more than one criminal antecedent of similar nature against the Petitioners, then this bail order shall stand automatically revoked. The Case Diary and Criminal Antecedent Report of the Petitioners be made available to the learned Magistrate for consideration of the bail application of the Petitioners on the date of their surrender.

However, 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 any other offence of similar nature in any manner whatsoever, while on bail.

In the event it is found that the Petitioners are again involved in such type of offence while on bail, it is open for the learned court in seisin over the matter to 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