

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11885 of 2022

Bauan Sethy @ Papu Sethy **Petitioner**
Mr. B.N. Mahapatra, 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 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 Section 392, I.P.C. and Sections 25 & 27 of Arms Act.
4. It is submitted by learned counsel for the Petitioner that F.I.R. has been lodged against unknown accused persons. However, the present Petitioner apprehends his arrest on the basis of the statement of the co-accused persons. He further submits that the Petitioner does not have any criminal antecedent of similar nature to the present case.
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 J.M.F.C., Jajpur Road in C.T. Case No.343 of 2022 corresponding to Kalinganagar P.S. Case No.167 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.

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 also appear before the trial court on each date fixed for trial, without fail.

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