

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11888 of 2022

Pratap Biswal & another

....

Petitioners

Mr. Chiranjib Rout, 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 379/120-B, I.P.C. and Section 12 of Orissa Mines and Minerals (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 Petitioners, however it is observed that, in the event the Petitioners surrender and move for bail before the learned S.D.J.M., Talcher in G.R. Case No.2119 of 2022 corresponding to Talcher P.S. Case No.664 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 criminal antecedents of the Petitioners. In the event it is found that there is more than one criminal antecedents of similar nature against each of the Petitioners, then this bail order shall stand automatically revoked.

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

- (i) The Petitioners shall cooperate with the investigation and shall appear before the I.O. for the purpose of investigation as and when required;
- (ii) They shall not indulge in any other offence of similar nature in any manner and shall not also allow their vehicle to be used in any such criminal activities while on bail by virtue of this order.

Violation of any of the conditions shall entail cancellation of bail of the Petitioners.

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

(A.K. Mohapatra)
Judge