

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12154 of 2022

Sambhu Choudhury

....

Petitioner

Mr. S.C. Atabudhi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Shashanka Patra, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

24.09.2022

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 379, I.P.C.
4. It is submitted by learned counsel for the Petitioner that iron pipes worth Rs.45,000/- was stolen and the same was recovered from one Anil Kumar Behera. He further submits that, the Petitioner was not named in the F.I.R., but he has been implicated on the basis of the co-accused statement. He further submits that the present Petitioner does not have any criminal antecedent.
5. Considering such submission, 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., Bhubaneswar in C.T. Case No.5694 of 2022 corresponding to Dhauli P.S. Case No.187 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 the 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 automatically revoked.

The Case Diary and Criminal Antecedent Report of the Petitioner be made available to the learned Magistrate for consideration of the bail application of the Petitioner on the date of his surrender.

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

(A.K. Mohapatra)
Judge

S.K.Parida