

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12161 of 2022

Karam Singh Munda

....

Petitioner

Mr. Purna Chandra Mishra, 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 Sections 399/402, I.P.C. and Section 25 of Arms Act.
4. Learned counsel for the Petitioner submits that the Petitioner has not been named in the F.I.R. On the basis of the statement of the co-accused, the present Petitioner has been implicated in this case. He further submits that the principal accused in this case has been arrested and is in custody. He also submits that the present Petitioner does not have any criminal antecedent in his name.
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 J.M.F.C., Barbil in G.R. Case No.582 of 2022 corresponding to Barbil P.S. Case No.166 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 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.

However, 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 any other offence of similar nature to the present case in any manner, while on bail.
- (iii) He shall appear before the trial court on each date of 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

S.K.Parida

