

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12274 of 2022

Prasanta Kumar Baliarsingh

....

Petitioner

Mr. M.K. Chand, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

31.10.2022

I.A. No.2080 of 2022

Order No.

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioner as well as learned counsel for the State.
 3. In view of the submissions made, the order dated 26.09.2022 is hereby recalled. Accordingly, the I.A. stands allowed.

(A.K. Mohapatra)
Judge

ABLAPL No.12274 of 2022

- 04.
4. Heard.
 5. The petitioner is seeking pre-arrest bail in connection with G.R. Case No.1533 of 2022, arising out of Baghamari P.S. Case

No.122 of 2022 pending in the court of learned S.D.J.M., Khurda for commission of offence punishable under Sections 379/34, I.P.C. read with Section 51 of OMMC Rule-2016.

6. It is submitted by learned counsel for the petitioner that as per instruction, learned counsel for the petitioner submitted that the petitioner does not have any criminal antecedents and when the petitioner going to surrender before the learned court below, came to know that the petitioner one criminal antecedents. Hence, modification has been prayed for.

7. Considering the nature of allegation, gravity of offence and the facts of the case, I am not inclined to grant anticipatory bail to the petitioner. However, it is directed that in the event the petitioner surrenders and moves an application for bail before the learned court in seisin over the matter within a period of three weeks from today, he shall be released on bail on such terms and conditions as would be deemed just and proper subject to condition that he shall furnish cash security of Rs.3,000/- (rupees three thousand) with further conditions that besides other conditions would be imposed by the learned court below while releasing the petitioner on bail with further conditions that :-

- I. The petitioner shall not be involved in any offence of similar nature;
- II. he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever; and
- III. he shall not make any default in attending the court during trial on each date without fail;

Violation of any of the terms and conditions shall entail

cancellation of bail.

8. Four weeks' further time from today is extended for the petitioners to surrender before the learned court below, vide order dated 26.09.2022 passed in ABLAPL No.12279 of 2022, but subject to depositing cost of Rs.500/- (Rupees five hundred) in the Advocates' Welfare Fund of Orissa High Court Bar Association within fifteen days and furnishing money receipt thereof in proof of deposit.

9. It is made clear that, if the cost is not deposited within the stipulated time, time extended for the petitioner to surrender shall stand revoked automatically.

10. The ABLAPL is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

(*A.K. Mohapatra*)
Judge

Jagabandhu

