

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12309 of 2022

Mir Idrish

..... Petitioner

Mr. Bharat Jalli, Advocate

-versus-

State of Odisha

..... Opposite Party

Mr. Sitikant Mishra, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

26.09.2022

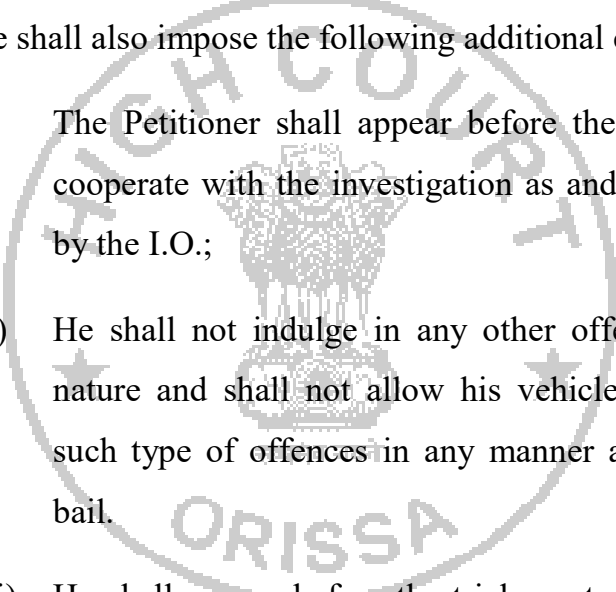
Order No.

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 379/341/429/34, I.P.C. and Section 11(d) of Prevention of Animal Cruelty Act read with Section 192(A) of M.V. Act.
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 Petitioner, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned J.M.F.C., Chandikhole in C.T. Case No.1468 of 2022 corresponding to Dharmasala P.S. Case No.530 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 –

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- (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 and shall not allow his vehicle to be used in such type of offences in any manner again, while on bail.
 - (iii) He shall appear before the trial court on each date of the trial, without fail.

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

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

(A.K. Mohapatra)

S.K.Parida

Judge

