

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12424 of 2022

Liyajuddin Khan

....

Petitioner

Mr. Bibekananda Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

28.09.2022

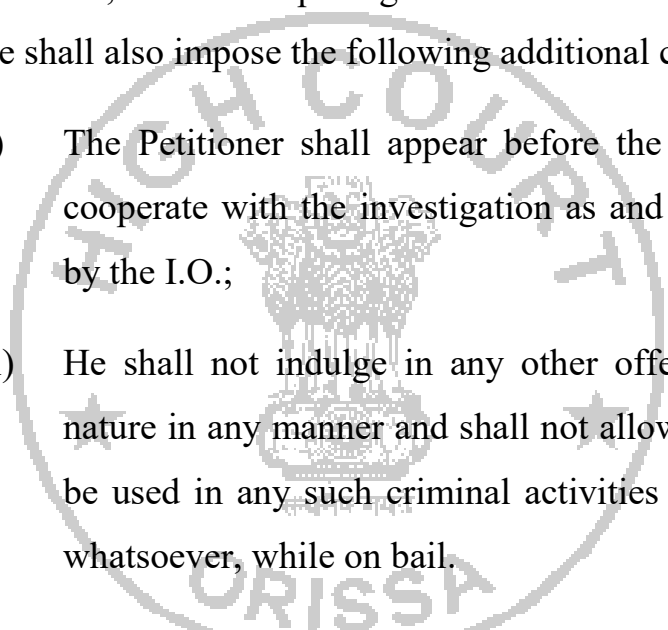
Order No.

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 279/337/379/411/506/34, I.P.C. and Sections 25 & 27 of Arms Act read with Section 11(d)(e) of Prevention of Cruelty to Animals 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., Jajpur Road in C.T. Case No.1105 of 2022 corresponding to Korei P.S. Case No.272 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 in any manner and shall not allow his vehicle to be used in any such criminal activities in any manner whatsoever, while on bail.
 - (iii) He shall appear before the trial court on each and every date fixed for 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)
Judge