

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12480 of 2022

Nakula Behera

....

Petitioner

Mr. Jyotirmaya Sahoo, 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 379/411/34, I.P.C. read with Section 12 of Orissa Mines and Minerals (Prevention of Theft, Smuggling Activities) Act and Section 51 of Orissa Minor Minerals Concession Rules, 2004.
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 S.D.J.M., Khurda in G.R. Case No.1315 of 2022 corresponding to Jankia P.S. Case No.294 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 the Petitioner furnishing cash security of Rs.5,000/- (Rupees Five Thousand) to the satisfaction of learned court in seisin over the matter.

However, while imposing conditions for bail, learned Magistrate shall also impose the following additional conditions –

- (i) The Petitioner shall cooperate with the investigation and shall appear before the I.O. for the purpose of investigation, as and when required;
- (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 such type of criminal activities in any manner whatsoever, while on bail.

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