

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12646 of 2022

***Sanjay Kumar Pradhan and
another***

....

Petitioners

Mr. J. Sahoo, Advocate

-versus-

State of Odisha

....

Opp. Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

30.09.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.
4. The petitioners are seeking pre-arrest bail in connection with G.R. Case No.519 of 2022, arising out of Nirakarpur P.S. Case No.185 of 2022 pending in the court of learned N.G.N.-cum-J.M.F.C., Tangi for commission of offences punishable under Sections 379/34, I.P.C. read with Section 51 of Orissa Minor Minerals Concession Rules and Section 12 of Orissa Minerals (Prev. of Theft, Smugg. & other unlawful Activities) Act read with Section 21 of Mines and Minerals (Development and Regulation) Act.
5. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioners. However, it is directed that in the event the petitioners

surrender and move an application for bail before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, they shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that :-

- I. The petitioners shall cooperate with the Investigating Officer as and when required for the purpose of investigation;
- II. they shall not default in attendance of the court during trial on each date of posting; and
- III. they shall not indulge in similar criminal antecedents while on bail.

Violation of any of the terms and conditions shall entail cancellation of bail.

6. It is further directed that the bail granted to the petitioners is subject to the condition that learned court below shall verify whether the petitioners have any criminal antecedents of similar nature. In the event it is found that the petitioners have any criminal antecedents of similar nature, this bail order shall automatically stand revoked.

7. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge