

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12902 of 2022

Tapan Kumar Mansingh

....

Petitioner

Mr. Prafulla Kumar Khatei, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Sitikant Mishra, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

10.10.2022

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 380/34, I.P.C.
4. Learned counsel for the Petitioner submits that the stolen articles have been seized from one Sukanta Baliarsingh. So far as the present Petitioner is concerned, he is no way involved in the present case. He further submits that the Petitioner does not have any criminal antecedent of similar nature.
5. Considering such submission, 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 Petitioners, however it is observed that, in the event the Petitioner surrender and move for bail

before the learned S.D.J.M., Bhubaneswar in C.T. Case No.5773 of 2022 corresponding to City P.S. Case No.249 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 –

- (i) The Petitioner shall appear before the I.O. and shall cooperate with the investigation as and when required.
- (ii) He shall not indulge in any other offence of similar nature in any manner again, while on bail.

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

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

(A.K. Mohapatra)
Judge