

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12950 of 2022

Santosh Dash and another

Petitioners

....

Mr.A.S.Paul, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.S.Patra, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

12.10.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners, learned Addl. Standing Counsel for the State. Perused the records.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 379, 411/34 of the Indian Penal Code read with Section 51(1) 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 Petitioners, however it is observed that, in the event the Petitioners surrender and move for bail before the learned S.D.J.M., Khurda in G.R.Case No.1623 of 2022 arising out of Begunia P.S.Case No.251 of 2022 within a period of three weeks from today, they 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 criminal antecedents of similar nature. The Petitioners shall also furnish cash security of Rs.5000/- (Rupees Five thousand) each which shall be kept in any Nationalised Bank in an interest bearing account in the name of court in seisin over the matter.

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

- (i) The Petitioners shall cooperate with the investigation and appear before the I.O. as and when required by the I.O.;
 - (ii) They shall not indulge in similar nature of offence while on bail. In the event it is found that they are indulged in similar nature of offence, it is open for the court below to proceed against the Petitioners.
5. The ABLAPL is disposed of accordingly.
 6. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge