

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12985 of 2022

Satrughna Padhi & another ***Petitioners***
Mr. Jyotirmaya Sahoo, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. Shashanka Patra, A.S.C.

CORAM:
JUSTICE A.K.MOHAPATRA

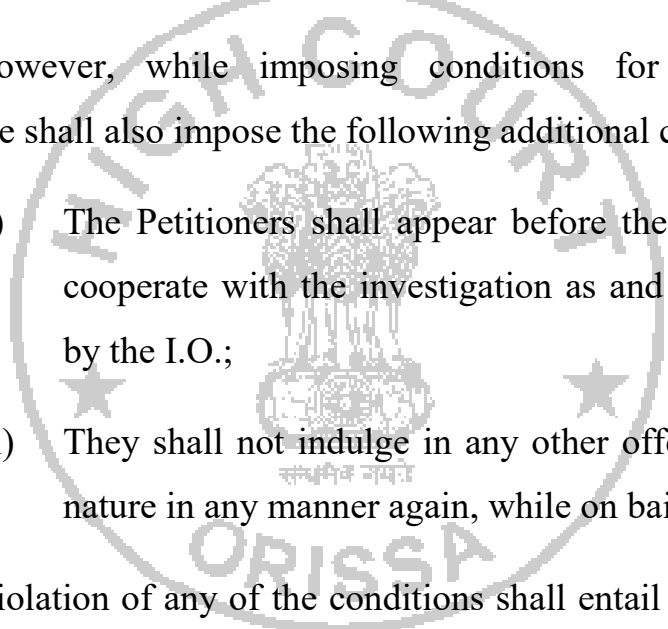
ORDER
12.10.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 379/34, I.P.C. and Section 68 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.1594 of 2022 corresponding to Khurda Model P.S. Case No.480 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 the Criminal Antecedents of the Petitioners. If it is found that there is more than one criminal antecedent of similar nature against Petitioner No.1, then this bail order shall stand automatically revoked against him. Likewise, if it is found that there is more than two criminal antecedents against Petitioner No.2, then he shall furnish cash security of Rs.5,000/- (five thousand) to the satisfaction of the learned court in seisin over the matter, and the said amount shall be kept in an interest bearing account of a nationalized bank and shall be subject to the final verdict of the trial.

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

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- (i) The Petitioners shall appear before the I.O. and shall cooperate with the investigation as and when required by the I.O.;
 - (ii) They 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 Petitioners.

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

(A.K. Mohapatra)
Judge