

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13070 of 2022

Ashok Ku. Swain

Petitioner

....
Mr.S.K.Samantaray, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

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

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
13.10.2022**

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner, learned Addl. Standing Counsel for the State. Perused the records.
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 of the Penal Code read with Rule 51(i) of OMMC Rule.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is the owner of the vehicle. Further, it is submitted by the learned counsel for the Petitioner that the Petitioner does not have any criminal antecedents of similar nature.
5. 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., Khordha in G.R. Case No.1618 of 2022 corresponding to Khordha Sadar P.S. Case No.192 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 criminal antecedent of similar nature.

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 by the I.O.;
- (ii) He shall not indulge in similar nature of criminal offence while on bail;
- (iii) He shall also not allow his vehicle to indulge in similar nature of criminal offence 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

RKS