

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13194 of 2022

Ranjan Uttarakabat

....

Petitioner

Mr. J. Sahoo, Advocate

-versus-

State of Odisha

....

Opp. Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

14.10.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.

3. This is an application under Section 438, Cr.P.C. filed by the petitioner for anticipatory bail.

4. The petitioner is 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 NGN-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 Mineral Concessions Rules and Section 12 of Orissa Minerals (prev. of Theft, Smugg. & other unlawful Activities) Act read with Section 21 of Mines and Minerals (Development & Regulation) Act.

5. It is submitted by learned counsel for the petitioner that the petitioner is owner of the vehicle and he has been falsely implicated

in the present case.

6. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioner. However, it is directed that in the event the petitioner surrenders and moves 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, he shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that :-

- I. The petitioner shall cooperate with the Investigating Officer as and when required for the purpose of investigation; and
- II. he shall not indulge in similar criminal activities while on bail.

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

7. It is further directed that the bail granted to the petitioner is subject to depositing the cash of Rs.5,000/-(rupees five thousand) before the learned court below, which shall be deposited in any Nationalized Bank in interest earning deposit initially for a period of one year renewable from time to time till conclusion of the trial and the same shall be abide by the final outcome of the trial of the case.

8. Further, it is directed that the petitioner shall give an undertaking before the learned court below that while releasing on bail, he will ensure that the vehicle will not involve in similar nature of offences failing which this order shall stand automatically revoked.

9. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge

Jagabandhu

