

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13285 of 2022

Sanjib Kumar Sethi @ Muna Sethi

Petitioner

....

Mr.S.K.Das, Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

17.10.2022

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 379/34 of the Indian Penal Code read with Section 21 of MMDR Act.
4. It is submitted by the learned counsel for the Petitioner that on the basis of co-accused statement, the Petitioner has been implicated in this case. Further, it is submitted by the learned counsel for the Petitioner that the driver who was illegally transported white stone quartzite was arrested from the spot. So far as the Petitioner is concerned, it is submitted that the Petitioner does not have similar criminal antecedents.

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, Baripada in C.T..Case No.1739 of 2022 arising out of Jharpokharia P.S.Case No.213 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 similar criminal antecedents.

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

- (i) The Petitioner shall cooperate with the investigation and appear before the I.O. as and when required by the I.O.;
- (ii) He shall not 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