

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13344 of 2022

Nila @ Nilamani Meher

....

Petitioner

Mr. Suryakanta Dwibedi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Shashanka Patra, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

18.10.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 272/274/275/120-B of the I.P.C.
4. It is submitted by learned counsel for the Petitioner that the Petitioner has been implicated in this case on the basis of the statement of the principal accused Babuli Prusti. He further submits that the adulterated cough syrup were recovered from the said Babuli Prusti. However, nothing was recovered or seized from the possession of the present Petitioner. Learned counsel for the Petitioner further submits that only due to the fact that two other

similar criminal antecedents are there against the present Petitioner, he has been implicated in this present case.

5. Considering the aforesaid submissions, 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., Patnagarh in G.R. Case No.505 of 2022 corresponding to Belpada P.S. Case No.120 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 furnishing cash security of Rs.5,000/- (Rupees Five Thousand) by the Petitioner to the satisfaction of learned court in seisin over the matter.

The aforesaid amount shall be kept in an interest bearing account of a nationalized bank and the said amount shall be subject to the outcome of the trial.

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

- (i) The Petitioner shall cooperate with the investigation and shall appear before the I.O. for the purpose of investigation, as and when required;
- (ii) He shall not indulge in any other offence of similar nature to the present case in any manner whatsoever, while on bail.
- (iii) He shall appear before the I.I.C. of Belpada P.S. once in every week, preferably on Sunday in between 10 A.M. to 1.00 P.M.

for a period of two months, and thereafter once in every month till conclusion of trial.

- (iv) He shall appear before the trial court on each date of trial without fail, and shall cooperate for early conclusion of the trial.

Violation of any of the conditions shall entail cancellation of bail of the Petitioner.

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

(A.K. Mohapatra)
Judge

S.K.Parida

