

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13403 of 2022

Rizwan @ Md. Rizwan Sahid ***Petitioner***
Mr. Samvit Mohanty, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. M.K. Mohanty, A.S.C.

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
19.10.2022

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 147/148/332/353/294/506/342/431/427/435/307/338/337/269/270/188/149, I.P.C. read with Sections 3 & 4 of Prevention of Damage to Public Property Act, 1984, Section 3 of Epidemic Diseases Act, 1897 and Section 51 of Disaster Management Act, 2005.
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 Petitioner, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned J.M.F.C., Tirtol in G.R. Case No.206 of 2020 corresponding to Tirtol

P.S. Case No.212 of 2020 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 the Criminal Antecedents of the Petitioner as well as verification of the Injury Report. If it is found that there is more than one criminal antecedent of similar nature against the Petitioner, then this bail order shall stand automatically revoked. Similarly, if the injuries caused to the injured are found to be grievous in nature, then also this bail order shall stand automatically revoked.

The Case Diary and Criminal Antecedent Report of the Petitioners as well as the Injury Report be made available to the learned Magistrate for consideration of the bail application of the Petitioner on the date of his surrender.

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