

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14096 of 2022

Prasanta Kumar Mohapatra ***Petitioners***
Mr. Sarat Kumar Jena, Advocate
-versus-
State of Odisha ***Opposite Party***
Mr. Debasish Biswal, A.S.C.

**CORAM:
JUSTICE CHITTARANJAN DASH**

ORDER
01.12.2022

Order No.

- 04.
1. Heard the learned counsel for the Petitioner and the State.
 2. By means of this application, the Petitioner seeks grant of bail U/s.438 Cr.P.C. in apprehension of arrest for his alleged involvement in the offences U/s. 379/34, I.P.C. and Section 51 of Odisha Minor Minerals Concession rules, 2016, in connection with Jankia P.S. Case No.201 of 2022 corresponding to G.R. Case No.870 of 2022 pending in the court of learned S.D.J.M., Khurda.
 3. Learned counsel for the Petitioner submits that the Number Plate in respect of the vehicle of the present Petitioner was fraudulently being fixed in another vehicle. It is asserted by the learned counsel for the Petitioner that the petitioner's vehicle was then in his custody and had never been plying in the area, as alleged.
 4. Learned counsel for the State submits that no criminal antecedent is standing to the credit of the Petitioner.

5. Keeping in view the submissions of the parties and having gone through the nature of allegations as emerged from the materials on record, and further the circumstances appearing, the seriousness and gravity of the offences, though this court is not inclined to grant anticipatory bail, however it is directed that in the event the Petitioner surrenders and moves for bail before the learned S.D.J.M., Khurda in the aforesaid G.R. Case within a period of three weeks from today, he shall be allowed to go on bail on such terms and conditions as would be deemed just and proper by the said court, but subject to the following further conditions –

- (i) The Petitioner shall appear before the I.O. and shall cooperate with the investigation as and when required;
- (ii) He shall also appear before the trial court on each date of trial, without fail.
- (iii) He shall not indulge in any other offence of similar nature to the present case in any manner and shall not use his vehicle in such type of criminal activities in any manner whatsoever, while on bail.
- (iv) Violation of any of the conditions shall entail cancellation of bail of the Petitioner.

6. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge

S.K. Parida