

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14200 of 2022

Sagar Hati

....

Petitioner

Mr. Jyotirmaya Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Shashanka Patra, A.S.C.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

28.11.2022

Order No.

04.

1. Heard 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. 379/411/34, I.P.C. and Section 12 of the Orissa Mines and Minerals (Prevention of Theft, Smuggling Activities) Act and Section 51 of the Orissa minor Minerals Concession Rules, 2004.

3. It is submitted by learned counsel for the Petitioner that in the selfsame matter, co-accused Nakula Behera has since been released on bail, and the present Petitioner being on the same footing having one criminal antecedent of similar nature to his credit, may be considered for his bail.

4. Learned counsel for the State confirms that one similar nature of criminal antecedent is standing to the credit of the present Petitioner.

5. In view of such submissions of the parties and the fact that the co-accused in similar footing has since been released on bail vide order dated 28.09.2022 passed in ABLAPL No.12480 of 2022, while this Court is not inclined to grant anticipatory bail, it is directed that in the event the Petitioner surrenders and moves for bail before the learned S.D.J.M., Khurda in G.R. Case No.1315 of 2022 arising out of Jankia P.S. Case No.294 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 the Petitioner furnishing cash security of Rs.5,000/- (Rupees Five Thousand) to the satisfaction of the learned court in seisin over the matter, which shall be kept in an interest bearing account of any nationalized bank till final verdict of the trial.

6. However, this bail order is subject to the further conditions that –

(i) The Petitioner shall co-operate 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 one, in any manner whatsoever and shall not allow his vehicle to be used in such type of criminal activities in any manner whatever, while on bail.

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

7. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge

S.K. Parida

