

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15350 of 2022

Pritish Kumar Nayak and another ***Petitioners***
Mr. S.S. Mohanty, Advocate
-versus-

State of Odisha ***Opp. Party***
Mr. T.K. Pattanaik, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

19.12.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.
4. The petitioners are seeking pre-arrest bail in connection with G.R. Case No.543 of 2022, arising out of Balugaon P.S. Case No.247 of 2022 pending in the court of learned J.M.F.C., Chilika for commission of offence punishable under Sections 379/411/120-B/34, I.P.C. read with Section 51(a) of Orissa Minor and Mineral Concession Rules, 2016.
5. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioners. However, it is directed that in the event the petitioners surrender before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, they shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that :-

- I. The petitioners shall cooperate with the Investigating Officer as and when required for the purpose of investigation;
- II. they shall not default in attendance of the court during trial on each date of posting;

Violation of any of the terms and conditions shall entail cancellation of bail.

7. Further, it is directed that the petitioners shall give an undertaking before the learned court below that while releasing on bail, they will ensure that the vehicle will not involve in similar nature of offences failing which this order shall automatically revoked.

8. It is further directed that the bail granted to the petitioners is subject to the condition that learned court below shall verify whether the petitioners have any criminal antecedents of similar nature. In the event it is found that the petitioners have any criminal antecedents of similar nature, this bail order shall automatically stand revoked.

9. It is open for the learned court below, if the petitioners fails to comply the aforesaid conditions, then the learned court below shall proceed against the petitioners in accordance with law.

10. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge