

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15622 of 2022

Sudhakar Samantary

.... ***Petitioner***
Mr. J. Sahoo, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. S.S. Pradhan, AGA

CORAM:
JUSTICE A.K. MOHAPATRA

ORDER
20.12.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel appearing for the Petitioner and learned Additional Government Advocate appearing for the State-Opposite Party.
3. The Petitioner is seeking pre-arrest bail in connection with Jankia P.S. Case No.409 of 2022, corresponding to G.R. Case No.32 of 2022, pending in the Court of learned J.M.F.C., Khurda, registered for alleged commission of offences punishable under Sections 379/411/34 of the I.P.C. read with Section 12 of the Orissa Minerals (Prevention of Theft, Smuggling and other Unlawful Activities) Act and Section 68 of Orissa Minor Minerals Concession Rules, 2004.
4. It is submitted by the learned counsel for the Petitioner that three cases were registered against the Petitioner on the very same day and three anticipatory bail application bearing Nos.15622, 15623 and 16624 of 2022 have been filed. It is further submitted that except the aforesaid three cases, no other cases in similar nature are pending

against the Petitioner.

5. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant pre-arrest bail to the Petitioners. However, it is directed that in the event the Petitioner surrenders and moves an application for bail before the Court in seisin over the matter within a period of three weeks from today in the aforesaid case, the Court in seisin over the matter shall release him on bail on such terms and conditions as it would be deemed just and proper including the condition that the Petitioner shall furnish cash security of Rs.3,000/- (rupees three thousand) before the Court in seisin over the matter. Violation of any of the conditions shall entail cancellation of bail of the Petitioner automatically.

6. It is further directed that the bail granted to the Petitioner is subject to the condition that learned court below shall verify whether the Petitioner has any criminal antecedent of similar nature. In the event it is found that the Petitioner has more than two criminal antecedents of similar nature, this bail order shall not be given effect to. Case diary along with the criminal antecedents be made available on the date of surrender of the Petitioner before the leaned court below.

7. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge