

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15834 of 2022

Babu @ Bishwajit Malik ***Petitioner***
Mr. D.J. Sahoo, Advocate
State of Odisha ***Opp. Party***
Mr. S.N. Das, A.S.C.
-versus-

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.12.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Standing Counsel for the State. Perused the case diary.
4. This is an application under Section 438, Cr.P.C. filed by the petitioner for anticipatory bail.
5. The petitioner is seeking pre-arrest bail in connection with G.R. Case No.2154 of 2022, arising out of Tihidi P.S. Case No.341 of 2022 pending in the court of learned S.D.J.M., Bhadrak for commission of offences punishable under Section 379, I.P.C.
6. It is submitted by learned counsel for the petitioner that the F.I.R. has been lodged against unknown persons. He further submits that the stolen motorcycle has already been recovered from one Sipun Das, who has already been released on bail by the learned court below.
7. Considering the nature of allegation, gravity of offence and the

fact of the case, I am not inclined to grant anticipatory bail to the petitioner. However, it is directed that in the event the petitioner surrenders and moves an application for bail before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, he shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that :-

- I. The petitioner shall cooperate with the Investigating Officer as and when required for the purpose of investigation; and
- II. he shall not threaten, harass and terrorize the informant and her /his family members in any manner whatsoever.

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

8. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge