

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16097 of 2022

Gouri Sankar Biswal

....

Petitioner

Mr. Nianjan Lenka, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. P.K. Rout, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

22.12.2022

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
 3. This is an application under Section 438, Cr.P.C. filed by the petitioner for anticipatory bail.
 4. The petitioner is seeking pre-arrest bail in connection with Offences Report No.62(R) of 2022-23 arising out of FIR Page No.0220521/1911 dated 17.11.2022, pending in the court of learned J.M.F.C., Rasgobindpur for commission of offences punishable under Rule 4, 12, 14 NS 15 of OT & IFTP Rule, 1980 read with Rule 21 of OT&OFTP Rule 1980 and Sections 2(g)(i)(a) and 73 of Orissa Forest Act, 1972.
 5. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case and he does not have any criminal antecedents of similar nature.
 6. Learned counsel for the State, on the other hand submits that

there are ample materials to implicate the petitioner in the present case.

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 indulge in similar criminal activities while on bail.

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

8. 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 antecedents of similar nature. In the event it is found that the petitioner has any criminal antecedents of similar nature, this bail order shall automatically stand revoked. Case diary along with criminal antecedents be made available at the time of surrender of the petitioner before the learned court below.

9. Accordingly, the ABLAPL is disposed of.

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

