



IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1503 of 2025

1) Subash Kumar Majhi @ Subash Chandra Majhi **Petitioners**
2) Sushanta Kumar Balabantaray @ Susanta Kumar Balabantray
3) Srinibasa Kumar Majhi @ Srinibash Majhi

Represented By Adv. -
Suryakanta Dwibedi

State Of Odisha **Opposite Party**
Represented By Adv. –
Mr. M.R. Mohanty, AGA

CORAM:

THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

25.03.2025

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioners as well as learned Additional Government Advocate appearing for the State-Opposite Party.
 3. The present application has been filed under Section 438 of Cr.P.C. by the Petitioners seeking pre-arrest bail in connection with Chandpur P.S. Case No.61 of 2022, corresponding to G.R. Case No.181 of 2022, pending in the court of learned J.M.F.C., Ranpur, for alleged commission of offences punishable under Sections 379/411/120-B/34 of the I.P.C. read with Section 12 of the Orissa Mines and



Mineral (Prevention of Theft and Smuggling Activities) Act, 1989 and Section 51(1) of the Orissa Minor Mineral Concession Rules, 2016.

4. 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 Petitioners surrender before the Court in seisin over the matter within a period of four weeks from today and move an application for bail, the Court in seisin over the matter shall release them on bail in connection with the aforesaid case on such terms and conditions as it may deem just and proper in the facts and circumstances of the case, but subject to verification of criminal antecedent of the Petitioners. In the event it is found by the court below that the Petitioners No.1 and 3 are having more than three criminal antecedents each and Petitioner No.2 is having any criminal antecedent, then this order shall automatically stand revoked.

5. Further, the release of the Petitioners No.1 & 3 shall also be subject to furnishing a cash security of Rs.5,000/- (Rupees five thousand) each before the Court in seisin over the matter which shall be kept in interest bearing fixed deposit account in the name of the court in any nationalized bank and renewed from time to time till disposal of the case. The said deposit shall be subject to the final outcome of the



trial.

6. Accordingly, the ABLAPL is disposed of.

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

(Aditya Kumar Mohapatra)
Judge

Debasis

Signature Not Verified

Digitally Signed
Signed by: DEBASIS AECH
Designation: SECRETARY
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 25-Mar-2025 18:37:25

