



IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2261 of 2025

Mohammad Aspak @ Md. Aspak

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Petitioner

Represented By Adv. –
Mr. Mohammed Riaz

-versus-

State Of Odisha

.....

Opposite Party

Represented By Adv. –

Mr. M.R. Patra, ASC

CORAM:

THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

27.03.2025

Order No.

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual/ Physical Mode).
 2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel appearing for the State-Opposite Party.
 3. The present application has been filed under Section 482 of B.N.S.S., 2023 by the Petitioner seeking pre-arrest bail in connection with Hindola P.S. Case No.317 of 2024, corresponding to G.R. Case No.935 of 2024, pending in the court of learned S.D.J.M., Hindol, registered for alleged commission of offences punishable under Sections 303(2)/317(2)/3(5) of the B.N.S., 2023 read with Section 11 of the Prevention of Cruelty to Animals Act, 1960.



4. It is stated by the learned counsel for the Petitioner that the Petitioner is the owner of the vehicle. He further submitted that the Petitioner has been falsely implicated in the present case. Learned counsel for the Petitioner further contended that the Petitioner does not have any similar criminal antecedent and that he belongs to the locality, therefore, there is no chance of his absconding. On such ground, learned counsel for the Petitioner submitted that the Petitioner be released on bail on any stringent terms and conditions that would be imposed by this Court in the event the Petitioner is released on pre-arrest bail.

5. Learned counsel for the State, on the other hand, opposed the release of the Petitioner on pre-arrest bail on the ground that the Petitioner is having several criminal antecedents.

6. Considering the submissions made by the learned counsels appearing for the respective parties and on a careful examination of the materials on record as well as the nature and gravity of the allegation, although this Court is not inclined to grant pre-arrest bail to the Petitioner, however, it is directed that in the event the Petitioner surrenders before the Court in seisin over the matter within a period of four weeks from today and moves an application for bail, the Court in seisin over the matter shall release him 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 Petitioner. In the event it is found by the court below that the Petitioner is having any similar criminal antecedent, then this order shall automatically stand revoked.



While imposing conditions, the court in seisin over the matter shall also impose conditions whereby the Petitioner shall not indulge in similar offence while on bail; he shall appear before the trial court on each and every date of posting of the case, if not prevented by sufficient cause; and he shall appear before the I.O. as and when his presence is required by the I.O. for the purpose of investigation. Violation of any of the conditions imposed either by this Court or the court in seisin over the matter shall entail cancellation of bail.

7. 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: 02-Apr-2025 15:40:53

