

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.183 of 2022

***Santunu Kumar Behera @ Santunu
Behera @ Santanu Kumar Behera*** ***Petitioner***
Mr. R.J. Rout, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. P.C. Das, A.S.C.

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
12.10.2022**

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 341/323/324/326/294/506/34, I.P.C. and Section 27 of Arms Act.
4. Learned counsel for the Petitioner submits that the injured Manoj Das had sustained grievous injury. Further, by referring to the 161, Cr.P.C. statement of the injured victim Manoj Das, learned counsel for the Petitioner submits that he has stated in his 161, Cr.P.C. statement that one Anil Kumar Panda has assaulted on his hand by means of a sword, as a result of which he sustained grievous injury. So far as the present Petitioner is concerned, there is no

allegation of any assault causing grievous injury. Further it is stated that investigation has been completed and charge-sheet has been submitted in the case.

5. Considering such submission, seriousness of the allegation, gravity of the offence and the facts of the case, although I am not inclined to grant anticipatory bail to the Petitioner, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned S.D.J.M., Berhampur in G.R. Case No.1958 of 2021 corresponding to Berhampur Town P.S. Case No.234 of 2021 within a period of three weeks from today, he shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper in the facts and circumstances of the case.

However, while imposing conditions for bail, learned Magistrate shall also impose the following additional conditions –

- (i) The Petitioner not threaten, terrorise, ill-treat or harass the Informant and his family members including the prosecution witnesses in any manner whatsoever.
- (ii) He shall appear before the learned trial court on each and every date fixed for trial, without fail.

Violation of any of the conditions shall entail cancellation of bail of the Petitioner.

6. The ABLAPL is disposed of accordingly.

7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge