

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.871 of 2022

Manas Nayak & others

....

Petitioners

Mr. Biswaranjan Dalai, Advocate

-versus-

State of Odisha

....

Opp.Party

Mr.Sitikants Mishras, A.S.C.

Mr.Bideshi Ku.Ghadei, Advocate

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

29.07.2022

Order No.

02

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and the learned Additional Standing Counsel. Perused the records.
3. This is an application under Section 438 Cr.P.C. filed by the Petitioner for anticipatory bail.
4. It is submitted by the learned counsel for the Petitioners that the Petitioners have no complicity in the alleged crime and the entire case has been foisted against them only to harass and humiliate him. It is also submitted by the learned counsel for the Petitioners that the informant persuaded Petitioner No.1 to stay separately. When the Petitioner No.1 did not agree with the proposal the informant voluntarily left the house of the Petitioner No.1 and stayed in her parental house.
5. Considering the nature of allegations made, gravity of the

offence and the fact of the case, I am not inclined to grant anticipatory bail to the Petitioners. However, it is directed that in the event the Petitioners surrender before the learned Civil Judge (Junior Division-cum-J.M.F.C., Ersama in G.R.Case No.852 of 2021 arising out of Ersama P.S.Case No.323 of 2021 within a period of three weeks from today and move for bail, they shall be released on bail on such terms and conditions as would be deemed just and proper by the learned Magistrate subject to the condition that the Petitioners shall clear up the 25% of the arrear maintenance dues as has been directed by the learned Judge, Family Court, Jagatsinghpur within a period of two weeks and the balance amount shall be paid within three months thereafter. Further in addition to the arrear maintenance amount, the Petitioner shall give an undertaking that he shall go on paying the monthly maintenance awarded by the learned Judge, Family Court, Jagatsinghpur. Violation of any terms and conditions shall entail cancellation of bail.

6. The ABLAPL is accordingly disposed of.
7. Issue urgent certified copy of the order as per Rules.

(A.K. Mohapatra)
Judge