

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1937 of 2022

Banamali Nayak and others ***Petitioners***
Mr. D.K. Sahoo, Advocate
-versus-
State of Odisha ***Opp. Party***
Mr. S. Patra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
11.08.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.
4. The petitioners are seeking pre-arrest bail in connection with G.R. Case No.173 of 2022, arising out of Mahakalapada Town P.S. Case No.16 of 2022, pending in the court of learned S.D.J.M, Kendrapara for commission of offence punishable under Sections 341/323/294/354/307/34, I.P.C.
5. It is submitted by learned counsel for the petitioners that due to previous dispute scuffled as a result of which minor injuries sustained by the informant. It is further submitted that the present case has been filed falsely under Section 307, I.P.C. Further, it is submitted by learned counsel for the petitioners that the present case

arose out of a complaint case.

6. Considering the nature of allegation, gravity of 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 court in seisin over the matter within a period of three weeks from today in the aforesaid case, they shall be released on bail on such terms and conditions as would be deemed just and proper.

7. It is further directed that the bail granted to the petitioners is subject to the condition that learned court below shall verify whether injuries sustained by the injured are grievous in nature. In the event it is found that the injury is grievous in nature, this bail order shall automatically stand revoked.

8. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge