

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2681 of 2022

Udaya Kumar Nayak @ Bhutia

Petitioner

....
Mr.Pradeep Ku. Das, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr.M.K.Mohanty, A.S.C.

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

**ORDER
12.10.2022**

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner, learned Addl. Standing Counsel for the State. Perused the records.
4. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 498-A, 494, 307, 109/34 of the Indian Penal Code read with Section 4 of the D.P.Act.
5. It is submitted by the learned counsel for the Petitioner that earlier the Petitioner approached this Court in ABLAPL No.7064 of 2016 which was allowed by order dated 11.05.2016 directing release of the Petitioner by the Arresting Officer. However, after completion of investigation Charge Sheet has been filed under Section 498-A, 494, 109/34 of the Indian Penal Code read with Section 4 of D.P.Act

adding Section 307 of the Indian Penal Code. But in the meantime N.B.W. has been issued by the learned court below. He further submits that the Petitioner is a Contractor.

5. Considering the 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., Jajpur in G.R.Case No.161 of 2016 arising out of Jajpur Sadar P.S.Case No.19 of 2016 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, but subject to verification of criminal antecedents of similar nature.

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

- (i) The Petitioner shall appear before the trial court on each and every date fixed without fail;
- (ii) He shall look after the well being of the informant-wife and provide maintenance as per law;
- (iii) He shall not threaten, influence, terrorise or harass the informant and her family members in any manner whatsoever while on bail.

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

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6. The ABLAPL is disposed of accordingly.
7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge

RKS

