

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3835 of 2022

Bishnu Charan Debata

....

Petitioner

Mr. S.R. Mohapatra, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

24.08.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner 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 petitioner is seeking pre-arrest bail in connection with C.T. Case No.760 of 2022, arising out of Mangalpur P.S. Case No.205 of 2022 pending in the court of learned S.D.J.M., Jajpur for commission of offence punishable under Sections 341/448/323/294/307/34, I.P.C.
5. It is submitted by learned counsel for the petitioner submits that one Kathia Jena, who is the principal accused, against whom the allegation of assault made by means of Bhujali as a result of which the injured sustained bleeding injury. It is further submitted by learned counsel for the petitioner that the allegation against the petitioner is that only he was present at the spot and he had not

participated in the alleged crime.

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 petitioner. However, it is directed that in the event the petitioner surrenders before the learned court in seisin over the matter within a period of four weeks from today in the aforesaid case, he shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that while on bail, the petitioner shall not indulge in similar criminal activities and he shall cooperate with the Investigating Officer as and when required for the purpose of investigation.

7. It is further directed that the bail granted to the petitioner is subject to the condition that learned court below shall verify whether the petitioner has any criminal antecedents of similar nature. In the event it is found that the petitioner has any criminal antecedents of similar 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