

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3864 of 2022

***Hada @ Hadi @ Sisira Ojha and
another*** ***Petitioners***

*Mr. Deepak Kumar Sahoo, Advocate
-versus-*

State of Odisha ***Opp. Party***
Mr. S. Patra, 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 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.537 of 2022, arising out of Mahakalapada P.S. Case No.50 of 2022 pending in the court of learned S.D.J.M., Kendrapara for commission of offence punishable under Sections 341/294/323/354/307/34, I.P.C.
 5. It is submitted by learned counsel for the petitioners that due to previous dispute for stacking of wastage materials in the land of the informant, the present case has been lodged against the petitioners as a result of which case and counter case has been registered by either of the party. It is further submitted by learned counsel for the petitioners that the informant group has already been released on bail by this Court. It is also submitted that the injuries sustained by the injured are

simple in nature.

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 with further conditions that :-

- I. the petitioners he shall not indulge in similar nature of criminal activities while on bail;
- II. they shall cooperate with the Investigating Officer as and when required for the purpose of investigation; and
- III. they shall not default in attendance of the court during trial on each date of posting .

Violation of any of the terms and conditions shall entail cancellation of bail.

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

