

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3881 of 2022

Dillip Nayak

.... ***Petitioner***
Mr. N. Sahani, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. S. Patra, A.S.C.
Mr. J. Sahoo, Advocate for the
Informant

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
10.10.2022

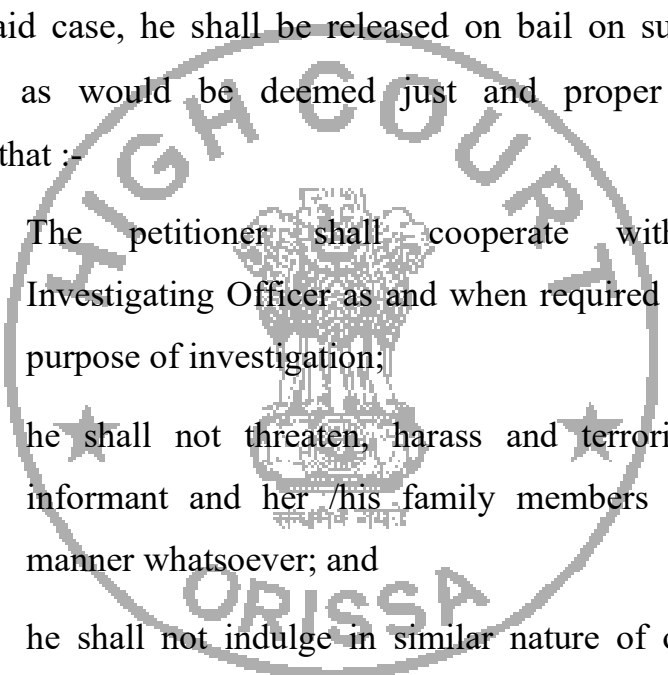
Order No.

05. 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. for grant of anticipatory bail to the petitioner in connection with G.R. Case No.162 of 2022 arising out of Tangi P.S. Case No.164 of 2022 pending in the Court of learned NGN-cum-J.M.F.C., Tangi for alleged commission of offences under Sections 341/294/323/324/307/506/34, I.P.C.
4. It is submitted by learned counsel for the petitioner that the entire allegation is against one Mukesh Nayak, who assaulted the injured by means of sharp cutting weapon. So far as the present petitioner is concerned, there is no allegation of assault but he has assaulted by fist blows to the injured. It is further submitted by learned counsel for the petitioner that the injuries sustained by the

injured are simple in nature and that the petitioner does not have any criminal antecedents of similar nature.

5. As per injury report, learned counsel for State submits that the injuries are sustained by the injured also 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 petitioner. However, it is directed that in the event the petitioner surrenders and moves an application for bail before the learned court in seisin over the matter within a period of three 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 :-

- 
- I. The petitioner shall cooperate with the Investigating Officer as and when required for the purpose of investigation;
 - II. he shall not threaten, harass and terrorize the informant and her /his family members in any manner whatsoever; and
 - III. he shall not indulge in similar nature of offence while on bail.

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

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. It is further directed that the bail granted to the petitioner 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.

9. Accordingly, the ABLAPL is disposed of.

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

(*A.K. Mohapatra*)
Judge

Jagabandhu

