

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.4453 of 2022

Bipin Rana & Others

....

Petitioners

Mr. Amulya Ratna Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Shashank Patra, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

05.09.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 147/148/341/323/324/326/307/354/506/149, I.P.C.
4. It is submitted by learned counsel for the Petitioners that one Baidhar Rana is the principal accused, who assaulted the injured. So far as the present Petitioners are concerned, they were present at the spot and participated in the scuffle took place and they have not assaulted anybody. He further submits that the Petitioners and the Informant group belong to one family. Due to previous dispute, the present scuffle took place between the two groups of the same family, as a result of which case and counter case have been registered.

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 Petitioners, however it is observed that, in the event the Petitioners surrender and move for bail before the learned S.D.J.M., Jajpur in C.T. Case No.880 of 2022 corresponding to Jajpur Sadar P.S. Case No.104 of 2022 within a period of three weeks from today, they 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.

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

- (i) The Petitioners shall appear before the I.O. and shall cooperate with the investigation as and when required.
- (ii) They shall also appear before the learned trial court on each date of trial, without fail.
- (iii) They shall maintain peace and tranquility in the locality and shall not indulge in similar nature of offence again in future, while on bail by virtue of this order.

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

6. The ABLAPL is disposed of accordingly.

7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge