

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.4597 of 2022

Kalakar Nayak

....

Petitioner

Mr. Suresh Kumar Jena, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. S. 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 petitioner and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioner for anticipatory bail.
4. The petitioner is seeking pre-arrest bail in connection with C.T. Case No.965 of 2022, arising out of Kuakhia P.S. Case No.138 of 2022 pending in the court of learned S.D.J.M., Jajpur for commission of offence punishable under Sections 341/294/323/324/307/506/34, I.P.C.
5. Learned counsel for the petitioner submits that one Lipu Nayak, who happens to be the principal assailant, has assaulted the injured as a result of which the injured sustained grievous injuries. It is further submitted by learned counsel for the petitioner that there is no allegation of assault against the petitioner.

6. On verification of case diary as well as injury report, learned counsel for the State submits that injuries sustained by the injured are grievous in nature. So far as the present petitioner is concerned, there is no allegation of assault against the petitioner.

7. 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.

8. 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 more than one criminal antecedents of similar nature. In the event it is found that the petitioner has more than one criminal antecedents of similar 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