

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.4831 of 2022

Trinath Naik and others

Petitioners

....

Mr. J.N.Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.Patra, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

11.10..2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners, learned Addl. Standing Counsel for the State. Perused the records.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 341, 294, 323, 325, 307, 379/34 of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioners that the Petitioners are not the assailants. He further submits that the main allegation is against one Trinath Nayak. It is further submitted that so far as the present Petitioners are concerned, there is no criminal antecedents against them. He further submits that due to some dispute a group clash took place, as a result of which two groups sustained injuries.
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., Bhawanipatna in C.T.Case No.257 of 2022 arising out of Th.Rampur P.S.Case No.43 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, but subject to verification of criminal antecedents of similar nature.

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

- (i) The Petitioners shall cooperate with the investigation and appear before the I.O. as and when required by the I.O.;
- (ii) They shall not threaten, influence, terrorise or harass the informant and his family members in any manner whatsoever while on bail.
- (iii) They shall appear before the trial court on each and every date fixed.

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