

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.5042 of 2022

Maguni Behera

....

Petitioner

Mr. Bijay Kumar Rout, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Manoj Kumar Mohanty, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

14.10.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
 3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 341/294/323/324/326/354/307/506/34, I.P.C.
 4. It is submitted by learned counsel for the Petitioner that the principal accused in this case is one Inu Behera, who assaulted the injured and caused grievous injuries. So far as the present Petitioner is concerned, it is submitted by learned counsel for the Petitioner that, he had not assaulted the injured.
 5. Learned counsel for the State, referring to the Case Diary, submits that accused Inu Behera had assaulted the injured.

6. Considering the aforesaid submission, 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 Petitioner, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned S.D.J.M. (Sadar), Cuttack in G.R. Case No.511 of 2022 corresponding to Bidanasi P.S. Case No.72 of 2022 within a period of three weeks from today, he 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 the Criminal Antecedents of the Petitioner. If it is found that there is more than one criminal antecedent of similar nature against the Petitioner, then this bail order shall stand automatically revoked.

The Case Diary and Criminal Antecedent Report of the Petitioner be made available to the learned Magistrate for consideration of the bail application of the Petitioner on the date of his surrender.

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

- (i) The Petitioner shall appear before the I.O. and shall cooperate with the investigation as and when required by the I.O.;
- (ii) He shall not threaten, terrorise, ill-treat or harass the Informant and her family members including the prosecution witnesses in any manner whatsoever.

- (iii) He shall appear before the learned trial court on each and every date fixed for trial, without fail.

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

7. The ABLAPL is disposed of accordingly.
8. Urgent certified copy of this order be granted as per rules.

S.K.Parida

