

IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL NO.5806 OF 2021

Titua @ Maheswar Behera & Others ***Petitioners***

Mr. P.R. Singh, Advocate

-versus-

State of Odisha & Another ***Opposite Parties.***
Mr. S. Jena, ASC,

CORAM:
MR. JUSTICE D.DASH

ORDER
11.07.2022

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (virtual/physical mode).
2. Heard learned Counsel for the Petitioners and learned Counsel for the State.
3. Considering the submissions and on going through the materials as placed, this Court is inclined to dispose of the ABLAPL in the light of the order passed by this court in the case of ***Pramod Kumar Ray and others Vrs. State of Odisha, reported in (2017) 67 OCR-309*** with the following observations.
4. The Petitioners shall surrender before the learned Judge, Special Court, Dhenkanal in connection with C.T. (Special) Case No.22 of 2021 arising out of Dhenkanal Sadar P.S. Case No.257 of 2021 within 15 (fifteen) days from today. Seven days before the Petitioners surrender before the said Court, they or their Counsel shall serve a copy of the bail application or such number of copies of the bail application on the learned Public Prosecutor/ Special Public Prosecutor, as required by them, for the purpose of notice to the victim or his/her dependent.

5. Taking into consideration the nature of the offence as alleged against the Petitioners, it is directed that the Petitioners shall be released on interim bail by the learned Judge, Special Court, Dhenkanal on the same day they surrender in the aforesaid case pending disposal of the bail application, on merit, at the time of final hearing of the case, on such terms and conditions as deemed just and proper, including the following conditions: –

- (1) the Petitioners shall appear in person before the I.O. once in a week on the day and time fixed by the said I.O. until further order by the learned Judge, Special Court, Dhenkanal;
- (2) the Petitioners shall not threaten, induce or coerce any witness of this case or the victim or his/her dependent in any manner whatsoever; and
- (3) the Petitioners shall not involve themselves in commission of similar or any other offences during currency of this order.

6. The aforesaid order shall not be effective, if the injuries sustained by the victim/victims are near fatal and the victim/victims are still in bad shape. But, if the injuries are otherwise lesser and the victim/victims is/are hale and hearty, this observation shall not be effective and the Petitioners can be granted interim bail.

Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**