

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.5833 of 2022

Karunakar Jena

Petitioner

....

Mr.D.R.Bhokta, Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

17.10.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner, learned Addl. Standing Counsel for the State. Perused the records.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 341, 307, 324, 385/34 of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioner that the principal accused Kunja Jena assaulted the victim by means of sword as a result of which the injured has sustained grievous injury. So far as the present Petitioner is concerned, it is stated that they were present at the spot and not assaulted the injured.
5. On verification of the case diary, learned Additional Standing Counsel confirms the aforesaid allegation and submits that the injuries sustained by the injured are grievous in nature.

6. 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 Petitioner, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned S.D.J.M., Bhubaneswar in C.T.Case No.2990 of 2022 arising out of Sahidnagar P.S.Case No.217 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 criminal antecedents of similar nature.

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

- (i) The Petitioner shall cooperate with the investigation and appear before the I.O. as and when required by the I.O.;
- (ii) He shall not indulge in similar nature of criminal offence while on bail;
- (iii) He shall not threaten, influence, terrorise or harass the informant in any manner whatsoever while on bail.

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.

(A.K. Mohapatra)
Judge