

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 5836 of 2022

Bijaya Naik

.... ***Petitioner***
Mr. J.K. Panda, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. P.K. Pattnaik, AGA

CORAM:
JUSTICE A.K. MOHAPATRA

ORDER
17.06.2022

Order No.

1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. Heard learned counsel for both the parties and perused the records.
3. This is an application under Section 438 Cr.P.C. filed by the Petitioner for anticipatory bail.
4. Learned counsel for the Petitioner submits that the present Petitioner along with another, namely, Sanjay Naik were present at the spot, but the said Sanjay Naik assaulted the husband of the Informant by means of lathi, as a result of which, he sustained severe head injury.
5. Learned counsel for the State vehemently objects to the bail application of the Petitioner as he was present at the spot and equally responsible in the alleged crime.
6. Considering the nature and gravity of offences alleged against the Petitioner, I am not inclined to release the Petitioner on bail.

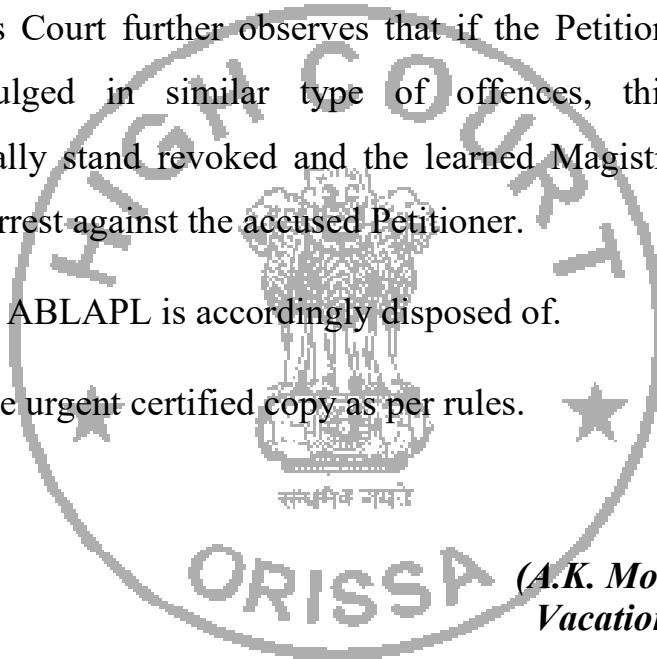
However, this Court directs that in the event the Petitioner surrenders before the J.M.F.C., Parjanga in G.R. Case No.114 of 2022, arising out of Parjanga P.S. Case No.119 of 2022 within a period of three weeks from today, he shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper.

7. It is further directed that in the event of release of the Petitioner, he shall not indulge in any offences, tamper with the evidence or threat to the prosecution witnesses and cooperate with the investigation.

8. This Court further observes that if the Petitioner is found to have indulged in similar type of offences, this order shall automatically stand revoked and the learned Magistrate shall issue NBW of arrest against the accused Petitioner.

9. The ABLAPL is accordingly disposed of.

10. Issue urgent certified copy as per rules.



(A.K. Mohapatra)
Vacation Judge