

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.5895 of 2022

Santosh Kumar Sahoo & Others ***Petitioners***

Mr. Dolagobinda Mohapatra, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr. Shashanka 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 Petitioners and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 341/294/323/325/379/307/506/34, I.P.C.
4. 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 J.M.F.C.-cum-Grama Nyayalaya, Raghunathpur in G.R. Case No.85 of 2022 corresponding to Raghunathpur P.S. Case No.85 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 the Criminal Antecedents of the Petitioners as well as verification of the Injury Report. If it is found that there is more than one criminal antecedent of similar nature against the Petitioners, then this bail order shall stand automatically revoked. Similarly, if the injuries caused to the injured are found to be grievous in nature, then also this bail order shall stand automatically revoked.

The Case Diary and Criminal Antecedent Report of the Petitioners as well as the Injury Report be made available to the learned Magistrate for consideration of the bail application of the Petitioners on the date of their surrender.

The release of the Petitioners is also subject to the further condition that each of the Petitioners shall furnish cash security of Rs.3,000/- (Rupees Three Thousand) to the satisfaction of the learned court in seisin over the matter, and the said amount shall be kept in an interest bearing account of a nationalized bank and shall be subject to the outcome of the trial.

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

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

- (iii) They shall appear before the 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 Petitioners.

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

(A.K. Mohapatra)
Judge

S.K.Parida

