

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.5947 of 2022

Hemendranath Mishra **Petitioner**

Mr.S.S.Ray-2, Advocate

-versus-

State of Odisha **Opp. Party**

Mr. Arupananda Das,
Addl. Government Advocate

CORAM:

JUSTICE S.K. SAHOO

ORDER

22.06.2022

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Barbil P.S. Case No.86 of 2022 corresponding to G.R. Case No.292 of 2022 pending in the Court of learned J.M.F.C., Barbil for alleged commission of offences under sections 379/411/120-B/34 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the petitioner submitted that the petitioner's involvement in the case is based

on confessional statement of co-accused before police and seven of the co-accused persons have already been granted bail by Under Trial Review Committee of the District Legal Services Authority, Keonjhar held on 18.05.2022, copy of the resolution of the Committee is produced, which is taken on record.

Learned counsel for the State, on the other hand, opposed the prayer for anticipatory bail mainly on the ground that the petitioner is a man from West Bengal and he submitted that stringent condition may be imposed.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, release of co-accused on bail and the fact that the offences are triable by Magistrate, I am inclined to release the petitioner on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner in connection with the aforesaid case, he shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties each for the like amount to the satisfaction of the arresting officer with further condition that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the

Investigating Officer and with further conditions that he shall appear before the Investigating Officer as and when required and he shall not try to tamper with the evidence. Within a week, the petitioner shall appear before the Investigating Officer and give his Whatsapp number and address details with Voter ID Card, Aadhar Card etc. to the Investigating Officer for future contact in connection with the case. If the petitioner fails to deposit those documents before the I.I.C./I.O., the I.I.C./I.O. is free to arrest the petitioner and the order will not be operated a bar for such exercise.

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

The ABLAPL is accordingly disposed of.

A free copy of this order be handed over to the learned counsel for the State.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge