

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.6518 OF 2021

Bhajaram Swain

....

Petitioner

Ms. Deepali Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Parties

Mr. S. Jena, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

18.07.2022

Order No.

03. 1. This matter is taken up by video conferencing mode.
2. Heard learned counsel for the Petitioner 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 Petitioner shall surrender before the learned Special Judge, Aska in connection with Special G.R. Case No.02 of 2021 arising out of Dharakote P.S. Case No.02 of 2019 within 15 (fifteen) days from today. Seven days before the Petitioner surrenders before the said Court, he or his 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 him, 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 Petitioner, it is directed that the Petitioner shall be released on interim bail by the Special Judge, Aska on the same day he surrenders 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 Petitioner 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 Special Judge, Aska;
- (2) the Petitioner 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 Petitioner shall not involve himself in commission of similar or any other offences during currency of this order.

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 Petitioner can be granted interim bail.

Issue urgent certified copy as per rules.

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