

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7126 of 2022

Deepak Kumar Swain

....

Petitioner

Mr. Biplab P.B. Bahali, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Manoj Kumar Mohanty, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

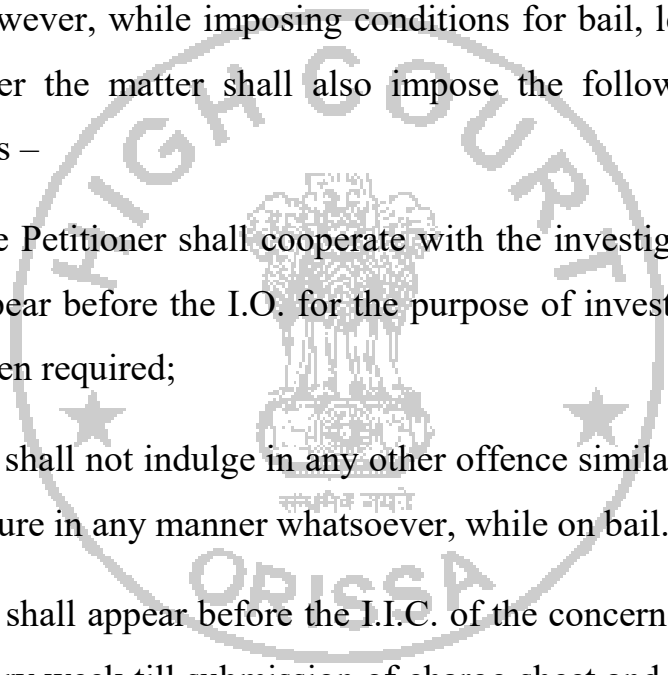
14.10.2022

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Section 394, I.P.C.
4. It is submitted by learned counsel for the Petitioner that F.I.R. has been registered against unknown accused persons. So far as the present Petitioner is concerned, it is submitted that he has been falsely implicated in the present case, who is apprehending arrest in connection with the present case. He further submits that the Petitioner is having three other Criminal Antecedents of similar nature to the present case.
5. Considering the aforesaid submission, 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 court in seisin over the matter in connection with Bhadrak (Rural) P.S. Case No.42 of 2022, within a period of three weeks from today, he shall be released on bail on such terms and conditions as the learned court in seisin over the matter shall deem just and proper in the facts and circumstances of the case, but subject to furnishing cash security of Rs.5,000/- (Rupees Five Thousand) by the Petitioner to the satisfaction of the learned court in seisin over the matter.

However, while imposing conditions for bail, learned court in seisin over the matter shall also impose the following additional conditions –

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- (i) The Petitioner shall cooperate with the investigation and shall appear before the I.O. for the purpose of investigation, as and when required;
 - (ii) He shall not indulge in any other offence similar to the present nature in any manner whatsoever, while on bail.
 - (iii) He shall appear before the I.I.C. of the concerned P.S. once in every week till submission of charge-sheet and thereafter shall appear once in every fortnight till conclusion of the trial.

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

6. The ABLAPL is disposed of accordingly.

7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge