

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7139 of 2022

***Himanshu Sekhar Beura and
another***

....

Petitioners

Mr. P.K. Sahoo, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

02.08.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.
4. The petitioners are seeking pre-arrest bail in connection with G.R. Case No.149 of 2022, arising out of Industrial CDA Phase-2 P.S. Case No.15 of 2022 pending in the court of learned S.D.J.M.(S), Cuttack for commission of offence punishable under Sections 341/323/448/294/385/386/506/34, I.P.C.
5. It is submitted on behalf of the petitioners that in the meantime, charge-sheet has already been submitted deleting the offence under Sections 385 and 386, I.P.C. He further submits that only 506, I.P.C. is non-bailable offence.

6. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioners. However, it is directed that in the event the petitioners surrender for bail before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, they shall be released on bail on such terms and conditions as would be deemed just and proper.

7. It is further directed that the bail granted to the petitioners is subject to the condition that learned court below shall verify whether the offence under Sections 385 and 386, I.P.C. have been deleted or not. In the event it is found that the aforesaid Sections have not been deleted from the charge-sheet, this bail order shall automatically stand revoked.

8. Accordingly, the ABLAPL is disposed of.

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

(*A.K. Mohapatra*)
Judge