

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7178 of 2022

Sapan Kumar Panda

....

Petitioner

Mr. Amulya Ratna Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Sitikant Mishra, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

08.08.2022

Order No.

02. 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 Sections 341/323/294/307/379/506/34, I.P.C.
4. It is stated by learned counsel for the Petitioner that, one Tutu @ Rajat Mohapatra is the principal accused in this case, who had assaulted the injured, as a result of which the injured sustained grievous injuries. So far as the present Petitioner is concerned, it is alleged in the F.I.R. that he was present at the spot of occurrence along with said Rajat Mohapatra. However, there is no allegation of assault to the victim by the present Petitioner.

5. Considering the nature of allegation, gravity of the offence and 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 before the learned J.M.F.C.,(R), Balasore in C.T. Case No.465 of 2022 corresponding to Balasore Sadar P.S. Case No.166 of 2022 within a period of three weeks from today, the Petitioner 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.

Further, while imposing conditions for bail, learned Magistrate shall also impose the condition whereby the Petitioner shall not threaten, terrorise, ill-treat or harass the Informant and his family members in any manner whatsoever, and he shall also not come over the land in question of the Informant in any way.

Violation of any of the conditions shall entail cancellation of the 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