

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7492 of 2022

Partha Sarathi Jena @ Pupan ***Petitioner***
Mr. Arijeet Mishra, Advocate
-versus-
State of Odisha ***Opposite Party***
Mr. M.K. Mohnanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
05.09.2022

Order No.

04. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned counsel for the State.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The petitioner is an accused in G.R. Case No.116 of 2022 arising out of Nandipada P.S Case No.70 of 2022 pending in the court of learned J.M.F.C., Hatadihi for commission of offence punishable under Sections 376(1)326-a/379/506/34, I.P.C.
5. It is submitted by learned counsel for the petitioner that the petitioner had illicit relationship with the informant. Due to dissension between the informant and the petitioner, he has been implicated in the present case. It is further submitted by learned counsel for the petitioner that while the petitioner entered into the house of the informant, there was hot exchange of words and the

informant threw acid on the petitioner as a result of which the petitioner sustained serious injuries.

6. Further referring to the statement of the victim recorded under Section 164, Cr.P.C., there was consensual relationship with the petitioner and the informant.

7. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioner. However, it is directed that in the event the petitioner surrenders and moves an application for bail before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, he shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that :-

- I. The petitioner shall cooperate with the Investigating Officer as and when required for the purpose of investigation;
- II. he shall not default in attendance of the court during trial on each date of posting;
- III. while on bail, he shall not threaten, harass and terrorize the informant and her /his family members in any manner whatsoever; and

Violation of any of the terms and conditions shall entail cancellation of bail.

8. Accordingly, the ABLAPL is disposed of.

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

